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STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

E-3 MINUTES
SAN JOAQUIN RIVER CONSERVANCY
Governing Board
Wednesday, December 13, 2017

Board Meeting Location:
Clovis Veterans Memorial District
808 Fourth Street., Fresno, CA 93612

5469 E. Olive Avenue
Fresno, California 93727
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GOVERNING BOARD

Andreas Borgeas, Chairperson
Fresno County Board of Supervisors

Brett Frazier, Vice-Chairperson
Madera County Board of Supervisors

Steve Brandau
Councilmember, City of Fresno

William Oliver
Councilmember, City of Madera

Roy Spina, *Director*
Fresno Metropolitan Flood Control District

Carl Janzen, *Director*
Madera Irrigation District

Julie Vance, *Regional Manager*
Department of Fish and Wildlife

Kent Gresham, *Sector Superintendent*
Department of Parks & Recreation

John Donnelly, *Executive Director*
Wildlife Conservation Board

Julie Alvis, *Deputy Assistant Secretary*
Natural Resources Agency

Jennifer Lucchesi, *Executive Officer*
State Lands Commission

Karen Finn, *Program Budget Manager*
Department of Finance

Bryn Forhan
Paul Gibson
vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairperson Borgeas called the meeting to order at 10:37 a.m. and led the pledge of allegiance.

A. ROLL CALL

Name	Present	Absent	Late
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

Ms. Raus confirmed a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General
Christina Morkner Brown, Deputy Attorney General

Staff present: Melinda Marks, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Jasanjit Bains, Staff Services Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Public Comment:

Ms. Sharon Weaver, representing the San Joaquin River Parkway and Conservation Trust, stated at the last meeting there was confusion regarding a project that was originally proposed at Spano River Ranch. She presented copies to the Board of a 1985 City of Fresno Draft EIR for that project.

Mr. Bob Getz, representing Wildwood Mobile Home Park for seniors, stated he has contacted the State of California regarding the January 2017 flooding and riverbank that has eroded adjacent to the homes. The State is still trying to figure out who can help. He requested an item on the next agenda. Also, Wildwood Native Park is in need repair and he would like the Department of Parks and Recreation to take over the park to make it beautiful again.

Mr. John Mlotkowski, a Fresno resident, stated he is concerned about the vacancy on the Board. He asked about the eligibility criteria.

Mr. Frazier stated the vacancy on the Board is the citizen representative from Madera County. The candidate must need to own property on the river. Mr. Frazier's office had put out letters to solicit interest in the entire area and received one person interested. The nominee was approved by the Board of Supervisors in February, has been on the Governor's desk since then.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

None.

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

None.

E. MINUTES

E-1. Approve minutes of November 15, 2017

It was moved by Mr. Janzen and seconded by Mr. Donnelly to approve the minutes as presented. The motion passed on the following vote.

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas			X
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Roy Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

F. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

None.

G. DISCUSSION

G-1 Consider and Take Action on Approval of the River West Fresno, Eaton Trail Extension Proposed Project or Alternative 1 or Alternative 5B, Including Adoption of Findings and Mitigation Monitoring and Reporting Program

Staff Recommendation:

On November 15, 2017, the River West Fresno, Eaton Trail Extension Final Environmental Impact Report (Final EIR; State Clearinghouse No. 2014061017) was certified by the Board through adoption of Resolution 17-01 in accordance California Environmental Quality Act (CEQA) Guidelines Section 15090 (Exhibit 1). After providing an opportunity for public comment, it is recommended the Board, the lead agency for the proposed River West Fresno, Eaton Trail Extension Project consider and take action to:

- Approve the proposed Project through approval of Resolution 17-02(PP); or,
- Approve Alternative 5B (inclusive of the proposed Project features) through approval of Resolution 17-02(Alt. 5B); or,
- Approve Alternative 1 (also inclusive of the proposed Project features) through approval of Resolution 17-02(Alt. 1).

Each resolution includes attachments presenting the necessary Findings of Fact and Mitigation Monitoring and Reporting Program specific to the proposed Project, Alternative 1, or Alternative 5B, respectively, to satisfy the requirements of CEQA Guidelines Sections 15091, 15092, and 15097. Staff recommends at the very least the Board approve the proposed Project through approval of Resolution 17-02(PP) and its attachments, if not through approval of resolutions supporting either Alternative 1 or Alternative 5B, both of which are inclusive of the proposed Project features.

Ms. Marks stated the presentation will focus on the new material that has been prepared since the last meeting. After public comment, the Board approved the River West Fresno Eaton Trail Extension EIR at the November 15th meeting. The Board can now approve the Proposed Project 17-02 (PP) or Alternative 5B 17-02 (Alt. 5B) or Alternative 1 17-02 (Alt. 1). Staff recommends at the very least the board approve the Proposed Project through approval of Resolution 17-02 (PP) and its attachments, which includes direction to staff to pursue additional access alternatives to see which ones can be best implemented. The resolutions related to the alternatives were prepared on direction of the Board.

There was a question from the audience about public comments and comment cards. Staff responded that those who wished to comment on item G-1 should fill out a comment card and comments would be entertained after the staff report.

Ms. Marks continued, reporting that both alternatives to be considered are inclusive of the proposed project elements, referred to as the core or fundamental elements that will occur no matter which resolution is selected. Resolution 17-02 (Alt. 5B) would approve Alternative 5B and ensure reasonable project progress is made toward implementing it. If progress is not made the Board would reconsider Alternative 1. Alternative 5B was found in the EIR to have less than significant impacts. Regarding Resolution 17-02 (Alt. 1) there were two different ways to approach approval of Alternative 1. The way it was set forth in the resolution in the Board packet, the approval of Alternative 1 would not be conditioned on installation of a traffic signal. Therefore, the Board would find it has a significant and unavoidable impact; the resolution includes a statement of overriding considerations—a finding that there is a benefit that overrides concerns about significant unavoidable impacts—and findings that other alternatives that have less than significant impacts are not feasible. In the findings there are a number of possible statements to find that Alternative 5B is not feasible.

Ms. Marks continued, the Proposed Project presented in Resolution 17-02 (PP) is the core project, parking for 50 spaces at Perrin Avenue, 3 additional horse trailer spaces, a 2.4-mile extension of the Eaton Trail, connecting at the Eaton Trail's current terminus at Highway 41. The project would continue the trail under Highway 41 and across the Conservancy's property for nearly 2.5 miles to Spano Park. There would be a staircase at Spano Park. The Proposed Project was found to have less than significant environmental impacts, with mitigation. There are a number of mitigation measures the Board would be adopting to reduce the impacts to less than significant. If the Board were to approve only the Proposed Project elements, the resolution would include direction to staff to continue to work toward resolving the implementation issues associated with

the added access alternatives within the City of Fresno. The Proposed Project has strong attributes and is consistent with Conservancy policies, Parkway policies, and is all on state-owned property. It could be implemented under the Board's own discretion. It is a modest project, and was intended to be modest so that the partners could find the operations and maintenance resources that are needed to begin to constructing the trail. The Proposed Project includes pedestrian and bicycle access from Riverview Drive, Churchill Drive, and access from Spano Park.

Ms. Marks reported that Alternative 1 would provide additional access and is called Added Parking in the EIR. It would create an improved access roadway and parking for 40 vehicles in the middle of the project, coming off of Riverview Drive. The traffic impact on the intersection of Audubon and Del Mar Avenue was identified as a significant impact based on level of service and delays. There are two ways to approve Alternative 1: 1) proceed only after appropriate traffic controls are designed and installed by the City of Fresno; or 2) proceed without this condition, as proposed in Resolution 17-02 (Alt. 1). The resolution would address a possible concern that waiting for signal would be an inordinate delay in the project. This would allow the Conservancy, as soon as operations and maintenance resources are available, to proceed with developing this entrance. The Board would make a Statement of Overriding Considerations and reject the other alternatives; the Findings of Fact and Statement of Overriding Considerations is incorporated in Resolution 17-02 (Alt. 1). It would recognize that the Alternative 1 will result in significant and unavoidable impacts, rather than mitigate the impacts through the traffic signal. It would acknowledge the benefits of proceeding with the project. It would identify specifically why Alternative 5B may be infeasible. It also would direct staff to continue to work with the City of Fresno to resolve the issues and move forward with the traffic signal and cost sharing at the earliest opportunity. As noted several times in many discussions, the City and County of Fresno object to Alternative 1. There are specific policies in the City of Fresno General Plan that say that access to the Parkway at Riverview drive should only be pedestrian and bicycle access.

Ms. Marks reported that Alternative 5B, the North Palm Added Access Alternative, was found to have less than significant environmental effects. The Board is not required to make a Statement of Overriding Considerations and therefore does not need to address the viability of the other alternatives. As introduced by Mr. Brandau, Resolution 17-02 (Alt. 5B) would direct staff to provide periodic status reports to the Board at future public meetings. If reasonable progress is not made to accomplish Alternative 5B, the Board would reconsider Alternative 1 under the EIR. Alternative 5B would create a parking area at the far downstream end of the project. It would have a roadway descending with the bluff, requiring the removal of 5 mature Sycamores. The parking lot would be located on a piece of property that is in private ownership.

Ms. Marks addressed some of the concerns the Board raised at the first hearing:

What are the tasks and timelines to make this project available to the public, after the Board approves the project and environmental documentation?

The first task would be to find a commitment to provide long term operations and maintenance for the trail facility and parking areas. Funding resources and partnerships are necessary in order to secure the long term operations and maintenance. The City of Fresno could use Measure C Funds, a local sales tax measure with some funding available for trail operations and maintenance. Those funds would not be enough to support the project over the long term, or support all of the costs (those that are not directly associated with the trail). There could be a user fee for parking. A concession agreement is possible, but it is doubtful it could keep the site open seven days a week. Without long

term commitments to provide operations and maintenance the Conservancy would not be able to invest in construction of the project. The City of Fresno is one of the primary partners; the City operates other segments of the Lewis Eaton trail, from Copper River Ranch to its terminus at Highway 41, which will connect with the proposed trail. The City also operates the Riverside segment of the Lewis Eaton Trail. They operate parks and recreation and trails throughout the City metropolitan area.

The Conservancy has capital improvement funds through various bond acts approved by the State's voters. There is a remaining balance of about \$29 million dollars. The Board sets priorities for the funding. The \$29 million would be adequate to build the core elements of the project and accomplish some of the other high priority projects that we are currently working on (River Visa, acquisitions in progress, etc.). The \$29 million be spread across all of the needs of the Parkway, and not all directed to this one particular project.

To design and construct the capital improvements the Conservancy would need a grantee, or the Conservancy could contract with the State Department of General Services to build the project. If we were successful in partnering with the City of Fresno, we would develop long term tenure with City of Fresno at the project site. The cost estimates to be discussed today have not been based on working with the Department of General Services. There would be an additional overhead cost if we went through the Department of General Services. With any capital improvement grant, there is a requirement for the grantee to commit to operating and maintaining the site for 30 years.

Tasks to develop Alternative 1:

The findings prepared today do not condition or require the traffic signal be installed first. Nonetheless, the resolution would direct staff to work with the City to secure installation of the signal; the signal could be accelerated if the Conservancy included the signal as a mitigation measure and would advance funding and receive reimbursement.

The City of Fresno has noted a General Plan Amendment may be required for any discretionary decision by the City Council that might have a nexus to the improvements for the project; however, the Conservancy would not need to secure City Council approval or a General Plan Amendment to install the improvements on Conservancy (State) property.

Design and construction of a new access road from Riverview Drive would be required for Alternative 1. The existing driveway is a single-lane driveway to serve two residences. The Conservancy's property surrounds the private residences. The Conservancy would need to build a new paved road with drainage improvements from the entrance to the new parking area. There would also be new gates.

Tasks to develop Alternative 5B:

The San Joaquin River Access Corporation (SJRAC, the new non-profit) has entered into an option agreement with the Spano ownership to purchase the site for the parking area. The group intends, if necessary, to maintain the underlining ownership even if the Conservancy develops any Parkway features there. They would enter into agreements with us rather than transfer ownership to the State, if State acquisition becomes a sticking point. They not only intend to develop and secure approval of a post-closure land use plan, they have begun the process of submitting a plan to the County of Fresno. There is information that was provided from the County of Fresno regarding the landfill issues in the staff report, pages 6 and 7. They approved the land use concept—they have approved

the concept of putting a parking lot and trail connections on top of the past construction waste site. They state the landfill has adequate cover, and no further Phase 2 subsurface investigations or landfill cover are required. They are satisfied there is no methane, and that the site was in fact a construction and inert waste disposal site. The proposed improvements would be placed on top of additional fill on the existing cover, to make sure the parking area, the trail, and so forth did not disturb the existing landfill cover.

The County stated, after conceptual approval of this post-closure land use plan, they would eventually need to review the final engineering plans; that would be a 60 to 90-day review. The Regional Water Quality Control Board would also be involved in approval. The Air Pollution Control District usually reviews these post-closure plans for land fill gas (methane) issues. The Air District might waive the requirement to review since there is no methane involved at this site. Methane is generated by decomposing organic waste, and the County has determined that these are not organic wastes.

Ms. Vance identified that Impact 5.11.11 in the Final EIR, talks about the need for a Phase 2 investigation. That was in the EIR before the Conservancy had this additional information, correct?

Ms. Marks replied that was correct. The information was received recently without time to revise the documents. At the past meetings staff reported that the Conservancy had completed a limited Phase 2, and Sharon Weaver reported that the Kleinfelder geotechnical report included some testing. There has been other work at this site. The County Health Department has more recently weighed in on the post-closure plan, and some of the documentation doesn't directly reflect this new information. In an email dated December 7, 2017, from County Health, they provided feedback to the SJRAC that the parcel contains inert construction-related debris, final landfill cover has been achieved, and no additional cover or cap is required to complete final cover of the landfill. Additional fill and asphalt paving on the parking area is being proposed to construct the improvements; drainage would be directed away from the construction waste, and therefore would in effect reduce the permeability of the cover that has already been placed on the site. The engineered design must address the soil placement, erosion, where the paved areas are, and where the landscape areas are. No additional phase 2(subsurface investigations) are required; the County finds that the evidence they have now is adequate.

Ms. Marks continued to address questions raised at the last meeting:

What are the costs associated with developing Alternative 1 and how do they compare to Alternative 5B?

Alternative 1 would require a new road, .5 miles long, constructed and paved with a landscaped parking area, curb, gutter, and drainage. When the City did a side by side comparison of Alternative 1 to Alternative 5B, they realized the City's earlier projected costs for Alternative 5B included the Spano Park stairway, which is actually one of the core elements of the Proposed Project. To also include the cost in Alternative 5B was duplicating the costs. City of Fresno also found some discrepancies on how the pavement costs were estimated, and they made sure the pavement cost calculations for Alternative 5B and Alternative 1 were similar. In conclusion: The cost of the Proposed Project is approximately \$4 million. Alternative 1 would add \$2 million plus the shared cost of the traffic signal. The upfront cost of the signal would be \$400,000, with eventual reimbursement for that part that was not our proportionate share. For Alternative 5B, the earlier estimate included the staircase, mismatched calculations and assumptions, and is

now estimated in range of an added \$4 million. Alternative 1 is based on a 10% conceptual design; the City is doing its best to project engineering costs for a conceptual design.

Alternative 5B is a detailed 30% engineering design, where the geo-technical condition has been studied, slope stability is accounted for, etc., so the cost estimate is a more reliable cost estimate. In the staff report Alternative 5B has an additional \$900,000 line item for environmental and permits. Given the information received from the County Health Department, that is a hefty estimate. For Alternative 5B the estimate is \$4.017 million, but that includes about \$800,000 worth of environmental remediation costs that do not reflect County Health's determination that there is already landfill cover in place. Regarding the \$900,000 line item for remediation it was never the Conservancy's intent that the State would be responsible for those costs. The total cost of Alternative 5B might be estimated at less than \$4 million.

The projected cost for the Proposed Project are rougher; they were done based on the unit costs from recent Conservancy projects. They now include the cost of the stairway and would be in the range of \$ 3.8 - 4.1 million.

Mr. Gibson noted there was an incredible amount of cost detail in the staff report. He raised several questions about the parcel optioned by the SJRAC. Do the estimated costs of Alternative 5B include the acquisition of land, or provide for the use of land that is not already in Conservancy ownership? Does Conservancy extend right up to the parking lot? How much additional land must the Conservancy acquire to move forward with Alternative 5B?

Ms. Marks stated the Conservancy's ownership extends to the end of the ponding basin. Beyond that is the additional parcel the non-profit optioned. They do not necessarily intend to sell it. Their option agreement is costing them \$110. They have stated they are not expecting to sell that property to us at all, or if they did, for fair market value. They would sell it to us at their cost. The City of Fresno owns Spano Park, owns the bluff face; it's our understanding the City would not expect us to buy that, as they would be participating in the project as well. There are no additional land acquisition costs that are substantial to implement 5B, or to implement Alternative 1 or the Proposed Project. Ms. Marks acknowledged the assistance of the City's staff, Mr. Andrew Benelli and Mr. Scott Mozier, in providing the cost information requested by the Board at the November meeting.

Mr. Gibson restated that Alternative 5B would use an additional 11 acres of land, at no significant purchase cost to the Conservancy.

Mr. Borgeas asked for confirmation that Alternative 1 is roughly \$2 million plus an extra \$500,000 for the cost of the traffic light.

Ms. Marks responded that the Conservancy would eventually receive reimbursement, and only pay a proportionate share of the light.

Mr. Borgeas asked, regarding Alternative 5B, what would be the cost after deducting the unnecessary environmental work from the total; do we deduct \$900,000 or \$800,000 from the \$4 million? Would it be reasonable to drop the estimated cost to \$3.2 million \$3.1-ish?

Ms. Marks replied, the engineers pointed out the \$900,000 was assuming there was no final cover on the construction waste site and that additional subsurface investigations would be required. Therefore, \$900,000 appears to be too high. Perhaps the cost is \$500,000, to be safe.

Mr. Borgeas recapped, \$2.5 million for added Conservancy and City costs for Alternative 1, and approximately \$3.5 million for 5B, a \$1 million differential?

Ms. Marks responded, yes, if you lump all of the traffic signal costs in the total.

Mr. Oliver resumed the discussion about potential property ownership. The Conservancy made efforts in the past to purchase the 11-acre property, but there were concerns about potential contamination and clean-up costs, and who would cover those costs, so we did not acquire the property. But with the information we now received from the County regarding the remediation that has already occurred and the lesser concern about contamination onsite, would we be in a position to buy that property? Would you foresee any additional hurdles for being able to buy that land if we had a willing seller and this board wanted to move toward a purchase?

Ms. Marks answered, when we evaluated purchasing the property previously, we were looking for a letter from the County stating that no further action was required. When we acquire property the Wildlife Conservation Board (WCB) must approve it, and Department of General Services (DGS) must approve it. DGS looks very closely at the chain of title/chain of responsibility. That said, that letter was what we needed when we tried to acquire the property in the first place, and what the property owner did not achieve.

Mr. Oliver suggested that based on the information that has been presented, the Board could possibly move forward toward acquiring the property.

Ms. Marks stated she believed so; there are also easement conditions that will be discussed during the meeting.

Ms. Vance stated, the SJRAC was agreeing to purchase the property and be the permanent fee title holder, but now the Board is considering acquiring the fee title. There will be other hurdles to cross even with the County's determination regarding remediation.

Ms. Marks explained that the Board does need to make a decision today about whether to acquire the property or whether the SJRAC maintains ownership. They are offering to maintain the ownership if that's what the Conservancy wants. The option agreement they have entered into includes an unusual easement. The Spano interests will continue to maintain ownership of the parcel above the 11-acre parcel. The easement appears to protect the view-shed for Spano's parcel above on the bluff. It basically says Spano would have the right to review and approve plans for the parcel, such as the parking lot. That easement concedes a certain amount of control over the parcel use and development; it says approval would not be unreasonably withheld, but it does add another layer of future issues to resolve. The information provided by the SJRAC was in the packet: articles of incorporation, the option agreement, and the easement.

Ms. Marks continued that the Board has already certified the EIR. Based on that the Board can approve the Proposed Project or an alternative. Each set of findings includes approval of a specific Mitigation Monitoring and Reporting Program (MMRP). For Alternative 1, the resolution would approve a MMRP, but notes the Conservancy does not have full control over the installation of the traffic signal; therefore, there is a specific finding that it would result in a significant unavoidable impact, and goes on to identify why Alternative 5B is infeasible as well as all the

other alternatives. The Board must make the motions to approve the specific resolutions prepared in your packet. Christina Morkner-Brown and Mike Crow, our legal counsel, and I stand by ready if there are specific revisions you would like to make. The motions should generally follow approval of a resolution, the attached findings and mitigation measures. The findings must be supported by the evidence in the record. The Proposed Project and Alternative 5B have less than significant impacts with the identified mitigation. Alternative 1 found a significant traffic impact that requires the signal to be installed by the City of Fresno to reduce that impact to a less than significant level; the resolution you have in front of you would proceed with the entrance and make the required findings for a significant unavoidable impact. The other opportunity is for the Board to condition the approval of that additional entrance upon waiting for the traffic signal to be installed first, before implementing the added access improvements. The other core elements of the Proposed Project could proceed, but the Conservancy would not implement the Riverview entrance until the traffic signal was operational to mitigate the traffic impact.

Ms. Marks concluded with the recommendation: provide an opportunity for public comment, deliberate and take action. The Board has three possible resolutions prepared. It is recommended at the very least the Board approve the Proposed Project to bring these benefits to the public, and then, if the Board chooses to add the access alternative, one or the other can be approved. If you approve the resolution for the Proposed Project, it would direct staff to continue to work on this long term Parkway Master Plan, adding additional points of access, trail segments, canoe launches, etc. as we go.

Mr. Borgeas introduced speaker Mr. Bruce Rudd from the City of Fresno, former City Manager and representative for Mayor Lee Brand.

Mr. Rudd thanked the Board for the opportunity to meet. Mayor Brand submitted a letter to the Board. It is important, for the record, to reiterate the Mayor's absolute and unequivocal support for public access to the San Joaquin River. The Mayor believes that access at Palm/Nees, Alternative 5B, is the best choice and the only option that provides convenient access for the entire community. The City of Fresno supports Alternative 5B, but at this time would not go into detail as it has previously been discussed through presentations, documents, analysis, and spending resources on engineering studies to validate the feasibility and the costs associated with Alternative 5B.

Mr. Rudd said he would focus on how today's decision will affect future discussions and more importantly the feasibility of actually delivering this project. As the Board goes forward with deliberations, consider that the City of Fresno is the most likely partner for future operations and maintenance of new trail facilities at River West Fresno. Under any circumstances, the Conservancy must reinstate discussions with the City of Fresno to identify long term operations and maintenance resources, and only with such a commitment the Conservancy would invest in engineering, permitting and construction. This is prudent—why build anything if you do not have the resources to adequately maintain it in the long run? The City's Parks Master Plan touches on this exact issue. The Conservancy envisions the issuance of a grant to the City of Fresno as a possible way for the project to be completed. The staff report highlights that as a condition of accepting such a grant, the grantee will be willing to assume the ongoing costs of operations and maintenance for the next 30 years. The Board needs to consider how today's vote could impact the tone and tenure of future conversations as well as the overall feasibility of delivering this project.

Mr. Rudd continued, stating that the City of Fresno has made it abundantly clear which alternative it would support. If Alternative 1 is approved, a conversation between the Conservancy and the City of Fresno would be along the following lines:

Good morning City of Fresno, this is the San Joaquin Conservancy and we would like to discuss the next steps and a new grant opportunity we would like to City of consider. We were hoping to discuss: the funding, processing, and support for a General Plan Amendment; a reimbursement agreement for a traffic signal the Conservancy needs to install at Audubon and Delmar avenues; extending bus service by more than a mile in order to provide transit at Audubon and Del Mar and possibly Perrin and State Route 41; and a grant opportunity. The State would reimburse the City for the construction of all the improvements contained in Alternative 1, with exception of the traffic signal, as we believe the City should pay a share. By accepting this grant the City of Fresno would be responsible for funding the ongoing cost for operations and maintenance for the next 30 years.

The Conservancy would want a General Plan Amendment for an alternative that the City does not support. The Conservancy would want to be reimbursed for the cost of a traffic signal needed to mitigate the traffic impact associated with an alternative the City did not support. The Conservancy would want the City to fund the cost of extending bus service by more than a mile in order to provide access for an alternative the City didn't support. And the Conservancy would want the City to apply for grant to construct improvements associated with an alternative the City did not support, with the exception being the cost of the traffic signal as the Conservancy believes the City should pay for a portion of share of that improvement. And by accepting the grant the City would also agree to fund the operations and maintenance for next 30 years, for an alternative the City did not support.

The City thought that the Conservancy was going to talk to the State Department of General Services about building this. However, they might agree to build it but they will not pay for the ongoing costs for the operations and maintenance.

Mr. Rudd said this scenario illustrates a reality that the Board needs to strongly consider as to which of the alternatives is most feasible. In closing, he emphasized the Mayor's support for access to the river and for Alternative 5B as the best choice, the only option that provides convenient access for the entire community.

Ms. Vance asked Mr. Rudd, if the San Joaquin River Access Coalition retains fee title to the 11-acre property, would the City be willing to hold a public access easement on it?

Mr. Rudd responded that can be discussed over the next months, pursuant to the motion made by Councilmember Brandau. There are some things that need to be further refined. He stated that the Conservancy chose to complete a programmatic Environmental Impact Report, not a project level document, so there needs to be a discussion about what other improvements are envisioned. That will have an impact on future decisions about long term operations and maintenance. This is just one of the number of items that can be addressed over the next 18 months.

Ms. Vance asked, if Alternative 5B is approved by the Board with the contingency that reasonable progress must occur in 12-18 months, and if Alternative 5B is proven to be infeasible, is the City committed to cooperating with the Conservancy?

Mr. Rudd stated I believe that is clearly communicated with the Mayor's letter to the Board.

Ms. Marks clarified for the record that the River West Fresno EIR is a project level EIR. The Conservancy is also working on the Parkway Master Plan EIR which is a programmatic document.

Mr. Borgeas introduced Mr. Dave Pomaville, Director, County of Fresno Department of Public Health.

Mr. Pomaville stated their staff has spent a lot of time evaluating the whole Palm/Nees area with regard to landfill impacts and disposal practices that have occurred historically on the properties. They have been successful in providing long term post-closure land use options for many of the parcels. They were able to prepare the information submitted to the Board in a relatively timely manner because of the knowledge that the staff has about the particular site, the administrative record, and the condition with regard to permitting. Their conclusion is that the area has received inert waste: concrete and asphalt. They have no other indications that anything else has been disposed of out there. They have been monitoring that site. The outstanding concerns are associated with the landfill along the bluff slope and on the top of bluff; there is documented land fill gas at the top of the bluff, near the cul-de-sac. The configuration of the access road and where the proposed parking lot avoids the landfill. They are confident the Conservancy would be able to move forward with the project in a timely manner.

INITIAL COMMENTS FROM THE BOARD:

Mr. Borgeas stated he would first open the meeting to the Board initial comments. He noted his constituents really want the project to become a reality. There has been a lot of research and involvement on many different levels. He stated, at the end of his chairmanship, it's been an honor to serve as chairperson, and it would be great to go out with a plan approved today. Mr. Frazier will be his successor starting next month. Mr. Borgeas expressed he wanted to end with this thought: the Board is here to do the people's work, to look after the interest of our community, and part of that to make sure that we can deliver what we are tasked to do. That requires us to move toward a path that brings about this project and maintains solid relations with key stakeholder groups, specifically the City of Fresno, County of Fresno, and our sister state agencies. In the heat and passion of advocacy, sometimes we lose track and we have to take a step back. We need a project today. He would not be satisfied if the Board only moves forward with the Proposed Project, in fact he would consider that a failure. With all the money that we have spent and the time, we are here to approve a parking lot and public access at least 2 places; one on 41 and the other on the south side of the river. The big concern at the last meeting was whether Alternative 5B is truly legally and environmentally viable. Today we heard from County Health that it has only inert debris. That was the light that demonstrated that Alternative 5B is viable, and it would avoid debilitating litigation that could derail this project indefinitely. Whether you are an advocate of 1 or 5B, we are all here advocating for access for the community to this esteemed community asset.

Carl Janzen noted that the Conservancy received a lot of comments from lawyers, and they do not agree on anything. It was his hope to represent the public, which is paying for this access through bonds. It would be best is to have three good points of access to make the project accessible to everyone and used by everyone, especially the City of Fresno.

Ms. Lucchesi had questions related to the option agreement and its exhibits that she would like to have the representative from the non-profit address, when he makes his comments.

Mr. Gibson thanked those who sent correspondence. It was his belief that the nonprofit group was sincere, determined, and capable of pulling Alternative 5B off, for the benefit of gaining

access to the Parkway. As someone with experience owning a parking lot corporation, he believed they could handle the issues and take care of the liability. This is doable, and would add 11 acres to the Parkway.

Ms. Finn stated, as a representative of a state agency, she will be looking out for the interests of the State of California residents that would be paying for Board's decision about the project. She would like an estimate of what the operations and maintenance costs are. Also, if there was public funding provided to develop Spano Park, were there any restrictions that could affect the proposal?

Mr. Frazier noted the engagement from public has been amazing. The Board is finally at a point where it can make a decision. If no one's is entirely happy about the decision, that means the Board did something right. In order to move forward the Conservancy needs to have local and state agencies working together toward a goal of access to the river for everyone and that facilitates more collaboration in the future. He appreciated being trusted to be part of the decision-making process.

Mr. Brandau agreed with Ms. Finn's question about operations and maintenance, specifically for Alternative 5B. The City of Fresno needs a more specific plan. Will there be one restroom or six restrooms? All of these things factor in to the sticker price. The City of Fresno has been asking for more specifics about planned activities. The additional 11 acres could be and should be looked at as a benefit to the overall project. He addressed a question to Mr. Pomaville: if there is a parking lot on the 11-acre parcel, is that as a benefit to that landfill area?

Mr. Pomaville responded that when the landfill was closed there was a foot or two of cover placed over it. With their understanding of the conceptual design, that cover will be increased with two to five feet of additional material and paving that will hold the cover in place in a much more stable manner long term. We believe the vegetation planted would help with regard to erosion and to hold the material in place; it would be a benefit to have the parking lot.

Mr. Brandau added that he was eager to listen to public comment. He was glad the Board is finally at this point, and he believed they would approve an option that included greater access.

Mr. Oliver stated he will be reserving his comments for later, thanked everyone for their effort and time.

Mr. Donnelly noted that he had been on the Board representing the Wildlife Conservation Board for 10 years. This is the first time the entire board was present in person. He appreciated the support and ideas resulting from audience participation. This is your river and the Board is here to help you enjoy it in the best way. He was excited to hear the desire to create many access points along the river. He had questions he would ask later. He thanked the public for their participation in the process.

Mr. Spina, Ms. Alvis, and Mr. Gresham stated they would reserve comments for after public comment portion.

Mr. Borgeas announced the meeting would move into the public comment period, with two minutes per speaker. In November, the Board went through many hours of public comment. If commenters are adding new information or addressing new issues that would be most beneficial to Board. For efficiency purposes, he asked commenters to be respectful of the time so that the Board could make a decision that day.

PUBLIC COMMENTS:

Mr. Ryan Commons, a local business attorney practicing business and real estate law, commented that at best, Alternative 5B still costs a million dollars more than other options, and there is still environmental liability that is unclear. The State of California has not accepted title to the landfill parcel. There is an option agreement that has not been exercised. There is no contract until the transaction goes into escrow. These are serious questions that need to be resolved on Alternative 5B. What is in the interest of the people of California and the people of Fresno? No one will challenge that the number one interest is to serve the interest of the people of the community to access the river. He was speaking for himself, and expressing the opinion of the San Joaquin River Parkway and Conservation Trust Board: they are unanimous that Alternative 1 is best. Why would anyone would spend \$1 million more and assume the potential liability, when you only need to go 23 seconds down a road at Alternative 1?

Mr. Radley Reep, a Clovis resident, stated that as he leaves his home in the morning, he is blocked because he lives near a school, but its accepted because it's a public road going to a public use. The public has a perfectly good road that will go down to the river, that is wide and will accommodate everyone. But the people who live in that area don't want people going to the Parkway through their neighborhood. He stated his disappointment that the City of Fresno has taken the stance it will not cooperate with the Conservancy with regard to a needed traffic light, and it has really threatened today to not serve the Parkway should Alternative 1 be approved--the reason is that a few people do not want people to go through their neighborhood. If the Board today decides to spend the extra million dollars to support that idea, he will be very disappointed.

Mr. Michael Claiborne, an attorney with the Leadership Council for Justice and Accountability, reiterated his support and the Leadership Council's support for Alternative 1. It is a cost effective and achievable alternative.

Dr. John Telles, a Cardiologist and President of the Heart Group, provided his views and comments from a public health perspective. Walking reduces cardiovascular risk by 30%. Risk for cardiovascular disease is the highest in the Central Valley compared to the rest of the state. As a past board member of the San Joaquin Valley Air Pollution Control District, he complimented the Conservancy Board for its high quality. One public health issue he raised, is that he has had patients that have had cardiac arrests on the current walkway. If there is not a lot of access, there might be a problem reaching people in an emergency. He would encourage as much access as possible, and access for emergency vehicles.

Mr. Zack Darrah, a Fresno resident with Fresno Interdenominational Refuge Ministries, spoke in support of Alternative 1. This process has shown inequities. Those in the audience are not an accurate representation of Fresno. Prior to public comment, there were experts from the City and County of Fresno; where were the experts to talk about Alternative 1, and rebut and provide opposing views?

Mr. Richard Sloan, a resident of Fresno, stated Alternative 5B parking is near a pond and 188 feet from the river. It's well over 2,000 ft. to get to the river from the proposed Alternative 1 parking area. He noted the ponds dry at times, are green with algae, and are affected by invasive weeds. What is the maintenance cost of the ponds? Herbicides are cheap, but kill fish. Someone would have to pay for the cost to maintain the pumps and the electricity. There are invasive weeds clogging up the hydraulic features of the ponds.

Mr. Charles Milor, a resident of Fresno, stated access can be achieved with the least economic impact with Alternative 1. It utilizes the original intent of the General Plan which provided for a major development, and utilized a cut through the bluff that already existed. There is no requirement to buy additional property nor a requirement to remediate problems and consequences of a landfill. The history in Fresno has been unduly influenced by special interests. He urged the Board to vote for Alternative 1 for the people of Fresno.

Mr. Danny Smith, a Fresno resident, stated the access at Alternative 1 is already there, it was built for a development. It is half a mile versus five of road building. For access 1, there is \$400,000 for a stop light. At the last meeting, there was dismay on the board members' faces, because we needed more information. Alternative 5B was the only thing the Board could look at. Alternative 1 would be the right thing to do; it would be the cheapest. He supported Alternative 1.

Mr. Barry Bauer, a Fresno resident, presented diagrams relating to public bus transportation. The two busses that support the area are 26 and 30. On page two of the diagram, the distance for Alternative 1 to the closest bus stop is a mile and half. On the other side of Fresno Street, near Highway 41, it's a mile and a quarter away. The Alternative 5B solution is .3 of a mile or 3 blocks from the bus stop Alternative 5B. For canoe or kayak users, Alternative 5B is a better solution. It also provides ideal access from Pinedale.

Mr. John Mlotkowski, a resident of Fresno, spoke in support of Alternative 1: easy access, less cost to implement, less time for all citizens to enjoy the project, better security for residents of the bluffs. The project will provide positive activity and a positive impact on businesses. It is the right thing to do. He appreciated the Board's delay in making the decision to get more information.

Mr. Lester Houser, a resident of Fresno, spoke about the Aquarius Aquarium to be located on 40 acres immediately west of Highway 99. He stated there are already trails there. He expressed concern that at Alternative 5B, once a parking lot is built, anaerobic aerobic bacteria will thrive and generate a lot more methane.

Mr. Tom Bohigian, a Fresno resident, expressed support for Alternative 1. It would be the most logical access point, and easily implementable. In addition, further direction should be given to staff to look at an altered version providing access down the old haul road [Alternative 5]. This would avoid cutting into toxins or dumps. It would be cost effective. There are some legal issues to evaluate. As far as Alternative 5B is concerned, he hoped the Board would not approve it. Spano Park is a City park, and it was probably approved as part of a development agreement. The proposed alternative will destroy the park, and the road that goes down the remaining natural bluff will destroy essentially all of the 20 sycamore trees, to get to a piece of property that is a landfill. He reported that about two weeks ago he started picking up trash on the river bottom. He put a trash can down there. He will continue to do that—what he is not going to do is what he heard earlier, where someone said if the Board doesn't do what they like, then they are not going to play nice with the Conservancy. He stated Fresno is his home. This needs to be done right and needs to protect the river, provide access, and do it for people that will come long after we are gone. Alternative 1 is the right approach, and he hoped the Conservancy would take another look at Alternative 5. This can be done to provide faster and better access.

Mr. Ron Bohigian, a Fresno resident, stated that as a tax payer, he would gladly support a modest increase in sales tax for the purpose of maintaining the parks. Recently, he took visitors to the zoo; it was really impressive. This is same thing can be done for parks. The Board should deal with the neighbors' fear of what might happen if there is public access in the area surrounding

Riverview Drive. Keep in mind the success of the trails at Jensen River Ranch and the Eaton Trails. They are among the cleanest, safest, and most popular in Fresno. He encouraged support for Alternative 1.

Ms. Sharon Weaver, representing the San Joaquin River Parkway and Conservation Trust, stated the Trust was a proponent of Alternative 1. She stated she would confine her comments to the landfill property associated with Alternative 5B. She has been involved with this project since approximately 1999 and was one of the people in the room with the most experience investigating the issues related with this property. Regarding the landfill parcel, unless there is a clean closure, there are lifelong responsibilities for managing a closed landfill. That is why the Trust ultimately decided to not to take ownership of the parcel, although it had an option similar to the SJRAC's. They spent several years researching what would be required to manage the property. Ms. Marks had a copy of the Krazan report that was mentioned in the staff report for years. It's a report that the Trust contracted for. This isn't new information. One of the things that hasn't been fully explored in the staff report is the permitting that is required to do the proposed capping of the landfill. The property is right on the river, and will have floodplain impacts. I shared some photos yesterday over email that show inundation of the property this past March.

Mr. Steve Pittman, a resident of Fresno, reported there is a small public City park in his neighborhood. The only way to get to that park is to drive through the neighborhood. Many people go to the park to enjoy it. It would be absurd for a private property owner to think it has the right to tell fellow citizens not drive through the neighborhood to get to the park. He hoped the Board had actually visited Spano park. The slope at the bluff is incredibly steep. The engineers have said the road is feasible, but the common sense of trying to build a road over a steep inclined bank seems impractical, compared to the ease of access at Alternative 1. It only takes 25 seconds when you turn off of Audubon Ave. to get to the gate. It's less than a thousand feet, and it doesn't go by anyone's house. Homeowners will not notice that cars are driving into the project there.

Mr. Victor Roznovsky, a resident of Fresno, stated he looked at every area of the river in the last two weeks. The best access to the river is Alternative 5B. The road that goes down there is still in our [Spano family's] access and ownership. With just a little work, it can be done. There is great water access, there can be picnic tables, it could hold 50 cars. It's the closest to the water.

Mr. Jed Soberal, a resident of Fresno, mentioned the 1985 document planning for 1500 homes provided by Ms. Weaver. He stated the community would be okay with using Riverview Drive for access to homes (and whatever services a home in north Fresno requires), but is not okay with providing access to 40 parking spots. Somehow operations and maintenance has been pulled into a partisan discussion of support for one alternative versus another. The Conservancy should seek funding for the operations and maintenance for the entire 22-mile Parkway. The Board should approve Alternative 1, which is \$1 million less and easier to implement now. Palm/Nees [Alternative 5] is a better access point, and will have more economic impact on the businesses there. He didn't know why the proposal has abandoned the existing gravel haul road. It was reported to the Board that there was toxic gas in the bluff; Ms. Marks did not report on that. There is no toxic gas at Alternative 1. He encouraged the Board to get something open after 14 years of planning.

Stephany Smallie, a resident of the river bottom in Fresno, spoke of her concern about public safety. Crime is getting worse in Fresno. Having more access points allow more undesirable activity there. She supported the changes to Spano Park. She had witnessed drug deals and using the area for a hiding place. She supported Alternative 5B.

Mr. Borgeas allowed the Board a 15-minute recess, and reconvened.

Ms. Anna Wattenbarger, a Madera County resident, has been working for 20 years for the Parkway. She wanted to see the very best results for this regional amenity. She was a strong supporter of Alternative 1 for numerous reasons: access at Palm/Nees is an excellent idea, but Alternative 5B is not the right way to go. Alternative 5, which was no longer being discussed, has a public access easement that allows it to be utilized the same as for Alternative 1, the Riverview Drive entrance. Alternative 5 was on the old gravel haul road that's an extension of the Nees alignment. If the Board approves Alternative 1, there is a good probability of obtaining access at the Palm/Nees location as well. A big deal has been made at the meeting about the bus access at the Palm/Nees site. If I were to ride the bus to Alternative 5B, anything with wheels is going to need brakes going down that slope. It is going to be a 10% grade going all the way down. It's going to be a 10% grade climbing back up. You will need brakes going down, oxygen coming up. It is feasible but not practical.

Mr. Borgeas reminded the public there were members of the Board that must leave the meeting early, and to be mindful of the time.

Mr. Peter Weber, a resident of Fresno, noted that at the November meeting there were 28 who spoke in favor of Alternative 5B and 27 who spoke in favor of Alternative 1. That was not the ratio seen today. It was not an absence of passion on the part of proponents of Alternative 5B, but because they chose to respect the request to only speak on matters that are new since the November meeting. There are over 50 proponents of Alternative 5B that would like to speak, but we have asked them not to. They are confident the Board will make a decision for what is in the best interest of the citizens of Fresno. Alternative 5B is intended to provide more convenient access for residents of Fresno. There was substantial progress since the November meeting to remove any barriers in the way of implementing Alternative 5B. They anticipate no barriers if everyone works together.

Ms. Carolyn Nolan, a former member of the Conservancy Board serving as a citizen representing Madera County, now lives in Fresno, and was on River Parkway Trust board for 19 years. She was a former schoolboard trustee for Madera Unified. She was a supporter of Alternative 1. There is such a need in this area for public parks. Fresno and Madera counties are underrepresented with public park space. The community can have park by the river if the Board approves Alternative 1 now. There is uncertainty with how long it will take for Alternative 5B to happen. This new non-profit, might not have a 501(c) 3 number. How long will that take? Is this a stalling mechanism? Even though City Councilman Brandau has proposed ways to move this along, it can happen now with Alternative 1. Regarding the landfill, the engineers say there is no problem. Has there been a geologist with technical information on landfill and slope stability? The million dollars didn't just from citizens of the region, but from statewide bond money. This is a state project and the Board cannot spend the money foolishly.

Ms. Catherine Fowler, a Madera resident and supporter of Alternative 1, stated Alternative 1 is the most fiscally responsible plan. She was concerned about Alternative 5B and 62 feet of road on an intensely sloped bluff, which is not consistent with the City of Fresno's Bluff Protection Overlay plan. The proposal would involve the removal of 17,000 cubic feet of soil that may in fact be contaminated. She did not know if any sub-surface assessments have been done to assure the soil is not contaminated. If it was contaminated it would need to be disposed of at the Kettleman Hills facility, which is expensive. There is ground water contamination in the area that has been there since the 1980's; nothing has been done about it, and it's almost impossible to

clean up. There are TCE, which is a cancer-causer, and PCB, which is persistent. There is chloroform. Any place with this combination of chemicals, there is probably some heavy metal contamination. Without a sub-surface assessment, it is unknown. Construction would mobilize sediments. If a road is built it will contribute to runoff at a very appreciable rate; contaminants will mobilize. It doesn't get rid of something by capping it. She expressed concern about the cost estimate going down from \$5.2 million to \$4 million, and then at the meeting to \$3.5 million.

Ms. Kristine Walter, a resident of Fresno and Secretary for the San Joaquin River Access Corporation, stated it has been confirmed that the landfill is inert wastes, asphalt and concrete. There is no landfill gas. A parking lot is a compatible land use for this parcel and the parcel might also be instrumental in completing the Parkway trail master plan. The 11 acres is really going to be useful for the future Parkway. The concept design presented in November is the same that was reviewed by County and given a green light, and the same concept plan that was given to Mr. Spano. The SJRAC is committed and dedicated to seeing this project work. They will work expeditiously to acquire the title and complete the rest of the work needed for this 11 acres, and look forward to working with the Conservancy, the City and the County in providing public access to the river.

Ms. Diane Merrill, a resident of Fresno, referred to Ms. Nolan's question about whether there had been any geologic evaluation of the landfill at the river bottom. The County of Fresno has not had a geologist on staff for many years. Was there a geologist involved in the recent evaluation of that landfill? She suggested requesting the State of California to provide operations and maintenance funds. In review of the map of State Parks in California, as the fifth largest city in the State, the area is underrepresented with only Millerton Lake nearby.

Ms. Clary Creager, a resident of Fresno and one of the founding mothers of the Parkway, noted that in the discussion of Alternative 5B, there was the mention of a property owner above that wanted some kind of control over how the access would be used. Whenever there is someone above looking down at a public access/use site, there may be conflicts that could be very difficult to iron out over time. That is a very steep cliff to come down; if you want to take a school bus down it, that is going to be a tough proposition.

Ms. Molly Schnur-Salimbene, a resident of Fresno, is the Education Programs Coordinator and Community Programs Director with the River Parkway Trust. Last week they had a group of 30 high school students removing invasive species. They started at Sycamore Island, looking over the River West Fresno property, and talking about the benefits of public access. They moved to the Spano site; they were informed that the site is going to be open to public soon, and the Board was trying to figure how to get people there. Within five minutes of being there, the students were saying they just drove down a perfectly good road on Riverview Drive; why not use that road? She explained there were some issues and some powerful people holding up on that proposal. The students said there is a good gravel road, so why are we going to spend \$5 million to build a new one? Thirty 15-year olds can see the issues. She reported she answered their questions as honestly and fairly as she could and gave them the information that they needed to make their own decisions. They said a small group of people is going to make a decision for the entire City, because they have power and are making threats, and that's not fair. She told them they just learned a very powerful lesson on how things work.

Ms. Coke Hallowell, a resident of Fresno, spoke of Roger Tatarian, a journalist who wrote an article in The Fresno Bee about the San Joaquin River, approximately 1986. He made valuable points about the assets of the river, and that was when she got involved with Clary Creager and the other founding mothers of the San Joaquin River Parkway. She has been working with them

and others, hundreds of volunteers, with the Parkway, and it was because of Robert Tatarian. Many of you have gone to Golden Gate Park in San Francisco, in a very nice neighborhood. She has never heard of increase in crime because of visitors to the park, or accidents. She thinks that can happen here too.

Mr. Richard Walters, a resident of Fresno, reported he was representing Mr. Patrick Smith, who is also a resident of Fresno. Mr. Walters showed a picture of a sunset at the Parkway, commenting that 45 years ago Joni Mitchell had written about paving paradise to put up a parking lot. In 10 years, people are going to look back at this decision and ask what genius put a parking lot in the middle of this pristine area. Thirty years ago they wanted to put houses down there, so we would not be having this conversation if those houses had been developed. Don't get stuck on something that was thought of 30 years ago saying it was supposed to handle all these cars. Half the population in Fresno is under 30 years old. There is no bus service to this area. The closest bus service is at Friant and First avenues and sometimes at Fresno Street. It has been said that Riverview Drive is not a residential street; it is in every sense of the word as the houses back up to it and it does affect them. He hoped the Board would vote for Alternative 5B.

Mr. Sam Lane, a resident of the bluffs, stated he is a supporter of Alternative 5B, which is the best access and a boom to businesses in that area. It is the best access for seniors, the disabled, and particularly boaters. Alternative 1 only offers access to the ponds and no road access to the river. There is a Significant Impact at the Del Mar and Audubon avenues. There was a review of the Draft EIR by a professional engineer, Daniel Smith, and he pointed out the road had to be extended, the 2 lanes would have to be extended 700 feet with a raised median. It would impact about a dozen houses on both sides of the street. It would impact their ingress and egress, and ability to merge into the traffic.

Mr. John Kinsey, a resident of Fresno and council for the San Joaquin River Access Corporation, stated that Alternative 5B is feasible. The Corporation is committed to making Alternative 5B a reality. They have executed an option agreement which means they have the legal right to purchase this property for \$100, and they intend to do that. As far as future use by the Conservancy, there has been some concern about whether or what form state ownership would take place. The group is not interested in making a profit. It does not matter if the Conservancy takes the property in fee, license, lease, or easement. They just want access and can be very flexible. This would provide the Conservancy a lot of flexibility. He addressed the condition in the easement to the Spano family relating to approval of design. The site plan that was presented to the Board last month is the same site plan that was attached as an exhibit to the option agreement. That site plan has essentially already been approved. Unless there are substantial changes to that site plan, there is not an issue. The site plan that is before the Board has already been approved.

Ms. Catherine Jameson, a bluff resident, stated the Board has a wonderful group that proposed wonderful plans. All of us want access to the parkway. Those that live in the neighborhood have a lot of concerns that have been brought forth, and they are asking to take those into consideration. Just as the City of Fresno has the best interest of everyone in mind, they were asking the Board to do the same. Option Alternative 5B takes that into consideration; it provides two access points, parking lots in the right places, and Riverview access would still be open for bicycle and pedestrian access. Long term there is a lot more to go along with this project than is being discussed today. The public safety issue is huge has not really been addressed. She would like to have City Police Chief Jerry Dyer to speak to what goes along with a public park, how to handle public safety, and the rules and regulations that the Board will want to adopt within

the Parkway. Alternative 5B is the best plan; if the Board would like to revisit the issue, put a proviso if those access points are not enough then look at the Riverview access.

Mr. Cliff Tutelian, a resident of Fresno and representing Park Place Holdings, stated he is in support of Alternative 5B. It is consistent with City policies and best practices in traffic control. He had remediated a landfill of inert materials and three sewer ponds. He brought in 60,000 yards of fresh dirt, compacted and completed 20 acres for a little less than \$1 million. The Board should not rely on the cost estimates of the engineers, but after receiving detailed bids he was sure the numbers would come down even more. Even though the cost may or may not come out equal, he advocated careful bidding and prudent spending; if numbers don't come down, the Board should direct staff to be more thorough. Regarding the issue of the option, the SJRAC has a valid option and the Board has the terms of the transaction—the transfer can be consummated. Others have made comments a majority of Spano Park is going to be destroyed; that is inaccurate. There are disclosed environmental impacts. In the surrounding area there are vagrants, homeless, etc. The San Joaquin River Bluff Protection Initiative by Mr. Borgeas has acknowledged that. He urged the Board to take careful consideration in developing a plan.

Mr. Daniel Schwartz, a resident of Fresno, stated that he visits the site mostly using access through Riverview Drive, and is in support of Alternative 1. He asked the Board to spare the trees—they are each an entire mini ecosystem and provide shade in the summer. The Riverview access point is manageable for people with kayaks, if they put them on handheld carts with wheels. Visitors are supposed to be walking anyway, as the cardiologist said. For saving money, for cost efficiency, the cut for the road is already there. He agreed with Mr. Tom Bohigian, that there should have as many access points to the river as possible. For public access he believed that Alternative 1 made the most sense, and he hoped the Board would take into consideration all the wildlife at the site.

Mr. Borgeas stated that a Board member would be leaving shortly, and there are over 20 comment cards remaining. In the interest of time, is it the will of the Board to complete the public comment portion with all of these cards, or to choose 3 on both sides and close the public comment section?

Mr. Crow stated the chairperson has discretion on how to run the meeting. Most of the comments are repetitive comments that have already been made at the November Board meeting. Perhaps the chair can ask those who have yet to speak and want to speak whether they have anything new to say concerning the additional material that has been brought forth for this meeting.

Mr. Borgeas asked the Board, is it without objection that we allow for four more speakers, two on each side, and complete public comment? This is highly unusual, but prudent given that we have spent seven hours last month on this and the funding is running out this month for purposes of completing the EIR.

An audience member stated they would waive two speakers in support of Alternative 5B.

Mr. Borgeas asked the audience whether there were any pro-Alternative 1 folks that are insistent they want to come up, or do they want to waive that as well?

Mr. Crow stated if testimony is repetitive about matters that have already been said today or in November, the chair has the power to cut off testimony. He may ask if there is anything new to say.

Mr. Borgeas informed the public there are 20 comment cards left, no more will be accepted. You do not have to speak; it is not an obligation. If you have something extraordinarily important, we encourage you to say it but if not, discretion would be helpful in this process.

Mr. Kevin Statham, a resident of Fresno, stated the City government is elected government, it's the will of the people. The implied threat posed by Mr. Rudd that if the vote does not go the City's way that they will not cooperate is beneath the dignity of the elected officials that Mr. Rudd is representing. It is also disingenuous given the fact that the City representatives have already stated that they will support Alternative 1 if Alternative 5B would turn out to be infeasible. He served on the board for Parkway Trust for 14 years, and during that time the landfill property in question was rejected by every single entity because of potential problems with cleaning it up. It is curious that at the 11th hour people have ridden in and were here to save the day. Many cities [read a lengthy list of cities] managed to get together city, state, county, federal people, non-profits, CEOs, construction companies, and they have gotten a parkway done. All that has happened for River West is talk. He hoped that the Board will vote to make Alternative 1 happen.

Mr. Borgeas informed the public that he was exercising his discretion as chair to reduce the time to 1 minute each for public comment.

Mr. David Brown, a resident of Fresno, stated he lived in several cities with great public park systems. They contribute to property values and civic pride. He was in favor of Alternative 1. It is a matter of social equity. If a small but wealthy minority is able to delay and impede easy public access, that's not democracy, and not justice. There should be several entrances to River West, especially Alternative 1, Riverview Drive. Not approving it would be a travesty of the democratic process.

Ms. Andrea Galdamez, a resident of Fresno, stated she was representing the working class families. A working class parent would say please vote for Alternative 1. It is the easiest way to provide access to parks for her and her children.

Mr. Brad Castillo, resident of Fresno, former chair of the Conservancy, and former City Councilmember, stated he was disappointed with the time of the meeting. There is a huge Hispanic community that is not represented here today and he would speak on their behalf. This access is important to the entire community, not just a select few. The Board has before it Alternative 1 and Alternative 5B; why didn't it have this before? The City of Fresno indicates that they would not work with us anymore--that's called getting Fresno'ed. He has also formed a 501(c)3 to help the Parkway trails, and provided a copy of the documents.

Mr. Jeremy Clar, a resident of Fresno, stated he is in favor of Alternative 1. A vote for Alternative 5B would create a horrible precedent. The Conservancy is supposed to create a river parkway from Highway 41 to Highway 99. There is only one commercial area along that north area. In the future, every residential neighborhood will argue that they should not have access through their neighborhood when we build out the parkway. The City Park Master Plan is being released tomorrow. They are saying they do not have enough money for parks, and we are talking about spending more money just on a road. It doesn't make fiscal sense.

Mr. Joe Daniele, a resident of Fresno, stated he wants the Board to approve project as a whole. As far as the access, it's very simple: \$1 million on one hand nothing on the other hand.

Mr. Corey Brown, representing the Resources Legacy Fund, provided an aerial photo of the two main access points on existing roads to the River West and the adjoining property downstream

along the gravel haul road. Mr. Janzen's comment was about maximizing public access. An easement along gravel haul road specifically says the public cannot have any more access via that road than it can along Riverview Drive. If the Board does not open up Riverview Drive for vehicular access, the Board cannot open up the gravel haul road for vehicular access. In previous years people would use the haul road to access the river (State Lands property along the river). That now is precluded with a locked gate. If the Board doesn't approve Alternative 1, that gate will remain closed. The Board can't use the gravel haul road unless the Board also opens up Riverview Drive.

Ms. Alicia Bennett, a resident of Madera County, stated she has had the opportunity to run along the Eaton Trail early in the morning. It is serene and beautiful. Expansion of the trails would be an amazing amenity for the community. She supported Alternative 1. It would provide the most expedient public access and is the most cost effective alternative. Riverview Drive does not have any driveways or homes on it.

Mr. Ted Morgan, a resident of Fresno, stated the list of board members of the SJRAC are the same people that have fought to delay this project for over a decade. Without their parking lot, Alternative 5B would be an expensive road to nowhere. This is a desperate delaying tactic. The Board should resist the political pressure and vote for Alternative 1. He questioned Mayor Brand's absence.

Mr. Matthew Sendian, a resident of Fresno who teaches classes in leadership, stated that the people closest to problem know the issue best, and while he admired the zeal of the new nonprofit, he questioned the wisdom and expertise of those serving on that board. Alternative 5B could represent additional taxation without representation.

Mr. Brett Sutton, a resident of Fresno, stated the best option is Alternative 5B. Think of the alternative's proximity to a shopping center with ice cream shops, what a great project this would be. This is not racial issue, and not social justice issue. This is best for everyone in the long-term. This project will continue beyond our lives so let's do it the right way. Alternative 5B would be a great project.

Dr. David Grubbs, a resident of Fresno, stated he would be content with a compromise. He asked the Board to build Alternative 1, and if access at the Palm/Nees access road materializes, then connect that road to the facilities built at Alternative 1, and close Riverview Dr. to vehicular access at that time if traffic has been a burden to the neighborhood.

Mr. Gary Branis, president of the Bluff Crest Homeowners Association, stated there are 19 residents in the homes adjacent to the road at Alternative 1. He was in full support of Alternative 5B, speaking for residents of the association. There is new information about Alternative 5B and a reduction in the estimated cost. This plan has been studied longer than any other plans. Support the businesses, and don't disturb the retired residents near Alternative 1.

Ms. Sarah Parkes, a staff member with the River Parkway Trust, stated she thoroughly reviewed the staff report and its very clear that the City of Fresno is going to be an important partner in the Parkway effort and in this project in particular. The city has contributed a lot to the existing Eaton Trail, including sealing and restriping it this year. But it's important to point out the City has been unable to fulfill some of its commitments, including maintaining the bathroom at Jensen River Ranch. It's been locked for years. She also learned recently they have not been operating Spano Park and the commercial building owner has taken on those operations instead. So the Board

should keep that in mind today when deliberating, especially when the Board thinks about building a new road when two roads into the property exist right now.

Mr. Borgeas informed everyone that concluded the public comment section.

BOARD COMMENTS:

Ms. Vance stated that she thought that Alternative 1 was the better alternative. However, the City has put the Conservancy in an untenable position. While Alternative 1 is a lower cost alternative, the Board can't ignore the money that the City was sharing as a partner, and we need to work with the City as a partner; we absolutely can't go it alone. The City is essential to making this work. She would like to propose—although she was not sure of the form of the motion yet, because she would want to hear other board members' comments—that the Resolution for Alternative 5B is too open-ended. It says the Conservancy could go for 12 months to make progress before reconsidering Alternative 1. That is critical, but we need to better define "reasonable progress." There are specific items for progress: The property must be purchased. The option expires December 31, 2017; that needs to be extended and exercised. A public access easement must be recorded in favor of an agency; she was not sure who that might be. It is critical to secure approval of the clean-up plan/land use plan. There would need to be a City exception to the Bluff Protection Overlay District ordinance and tree removal ordinance. She found the Spano Easement attached to the option to be the most troubling. They heard from Mr. Kinsey that the issue is addressed by approval of the conceptual plan. But that needs to be in writing. If that easement is attached to the option as proposed, Spano could later claim that what is proposed or existing on the property was not acceptable and would be subject to their direction. That needs to be fixed. If all those things can be resolved in 12 months, we're good, we have access within Fresno, which is the most important issue. If they can't be resolved in 12 months, then the Board moves on to Alternative 1.

Ms. Lucchesi had questions for the counsel or representative of the San Joaquin River Access Corporation. What are the sources of funds to fulfil commitments per the articles of incorporation?

Mr. Kinsey responded that funding is from donations from the neighborhood. It has been successful and there is no reason to believe that it will not continue to be successful. They are not anticipating a large expenditure of funds. They have fund raising tools that have been achieving needs from the neighborhood so far.

Ms. Lucchesi asked what kind of insurance or bonding the SJRAC is securing as a non-profit, particularly when taking on responsibility for the landfill property.

Mr. Kinsey replied they are in the process of getting insurance and are anticipating the full array of insurance. They have been securing quotes to get the best deal possible.

Ms. Lucchesi stated that in reading the articles of incorporation and the option agreement, what particularly struck her was that the indemnification is being spread around among all the parties. In terms of what might come up regarding the acquisition and liability associated with the landfill, what would happen if the nonprofit dissolves prior to meeting all the obligations it committed to, including remediating landfill?

Mr. Kinsey responded that would be addressed by Ms. Vance's motion, but that is not the SJRAC's intent. Given the efforts made in the last 30 days, the Board should know that they are

sincere. As part of securing insurance, there might be other types of applicable insurance that would address such issues.

Ms. Lucchesi asked if the SJRAC has generated a title report or an ALTA survey to see what other interests are on this landfill property that they are not currently aware of.

Mr. Kinsey replied that they we have.

Ms. Lucchesi noted that Mr. Kinsey mentioned in his testimony that the nonprofit is open to whatever kind of relationship the Conservancy may want in terms of establishing some contractual relationship or partnership in order to implement the project, and that could be in form of an easement, title, license, or lease. This getting into some of the details, but also into the risk and uncertainty associated with Alternative 5B, and the understanding to what extent the nonprofit is willing to put up a bond in favor of the State and the Conservancy in any kind of contractual relationship in order to convey property interests, in order to conduct the project and indemnify the Conservancy and the State for any future liability associated with the landfill.

Mr. Kinsey stated he was not sure if he had seen a bond in this context, but he understands what Ms. Lucchesi was asking for. In terms of the form of whatever arrangement is made between the Conservancy or any other entity and the SJRAC, your staff and council will be commenting, that's why it makes sense for the SJRAC to be flexible, everything is on the table for consideration. Before we can really engage in those negotiations, we need an understanding of everything that the Conservancy wants, and to make sure that is fully vetted on our side as well. This is something we are going to negotiate with staff. This is not the time to get into the weeds of what a transaction may look like. What he could offer is a commitment to being flexible. Ultimately if the Conservancy does not want property ownership, there is the possibility of an easement or a license, if those are the types of things that would make the Conservancy more comfortable.

Ms. Lucchesi stated she understood and appreciated not negotiating that kind of transaction from the dais. The challenge as a Board member is taking that leap of faith, with the significant risks and uncertainty, not details, in choosing this particular alternative. The genesis of her questions was not to get into the weeds at the dais, but to express her frustration and concern associated with this particular alternative and the lack of detail to best inform the Board in making the best decision it can on behalf of the Conservancy and the State of California.

Mr. Kinsey stated the SJRAC has also taken a leap of faith executing an option agreement with for a property that others have said that they don't want, and spending a lot of time, resources, and money to get to this point. They have been working very hard and have made substantial progress. There are questions with any proposal, and he was here to answer them to the best of his capability.

Ms. Lucchesi asked how much flexibility is there in terms of negotiating with the current property owner on the easement granted back to that owner? It seems solidified. To follow up on Ms. Vance's question about concerns relating to that easement, she would like to know what pathway exists.

Mr. Kinsey responded that the easement presented to the Board has already been approved in the option agreement. They included the site plan as an exhibit to the option agreement in order to present a real proposal. It has been attached as an exhibit to the option agreement and has been approved. If there are modifications based on communications with Conservancy staff about things the staff doesn't like about that site plan (although they tried to make it consistent

with what was studied in the EIR) the landowner is reasonable. They would want to engage in that conversation early on so they can provide everyone with certainty.

Ms. Lucchesi said she respectfully disagreed. Mr. Kinsey was taking one interpretation of the easement, but the language in the easement does not reflect that the property owner has approved this particular site plan. The words in the condition do not actually state that the site plan is approved.

Mr. Kinsey noted that he has been involved in the easement and negotiations, and the reason why the site plan was attached was with their intent that it would be crystal clear that site plan was okay. If the interpretation was that the agreement does not allow the site plan, that would be an unreasonable interpretation. If the Conservancy wants a letter saying the site plan attached to the option agreement is sufficient, he was sure he could secure that.

Ms. Vance added that the easement wording needs to be revised. The document states the grantee shall be consulted and would have the right to approve or disapprove the design of the parking lot in the grantee's reasonable discretion. It doesn't say that the design attached as the exhibit is approved. It leaves an open door for a disapproval, and that is going to be a problem.

Mr. Kinsey acknowledged the Board's concern. He did not believe issues would arise if the Conservancy wants to develop consistent with the site plan. If there are modification that need to be made based on particular concerns, he wanted to understand what those are, and then secure a letter approval the plan as soon as possible, because they want this to work.

Ms. Lucchesi stated that she would be making several comments. As the representative of the California State Lands Commission--the agency that manages the riverbed on behalf of all the citizens of California--her role is to look at the statewide best interests of projects and proposals that come before both the Commission and before the different boards and commissions she serves on. The Commission has ownership and management over 40 navigable lakes and rivers throughout the State, in addition to the coastline of California. Their main goal is to protect, enhance, and create public access. The lands that the Commission manages are of a special unique status. They are waterways and tidelands that are subject to special common law and constitutional protections that ensure that all people of the State have a special unique connection and ability to access these waterways. That is the perspective she maintains when deliberating on this major project. A major pillar of the Commission is to achieve the greatest amount of equitable access to the greatest amount of people in the most efficient and certain amount of time. In a perfect world, the Perrin access, the Riverview access, and some version of Alternative 5 would all be adopted and implemented. More access creates more use, which creates more safety and a healthy society and community that we all benefit from. Unfortunately, we don't have unlimited resources and there are a lot of policy tradeoffs when determining how to vote on a project like this. All of the options before the Board have these policy tradeoffs. She mentioned her respect and acknowledged all of the work the SJRAC has done. Over the past 30 days they have conducted an enormous amount of work that serves the Board in making sure the decision is informed. However, she remains aware of the risk and uncertainty associated with the options. She was concerned about the risk of the SJRAC dissolving, although that is not their intent. She takes at their word their intent to create access, but things happen. In her experience in managing lands and resources, issuing leases, and working with all kinds of different partners, she sees that happen often. She was also concerned about the risk of the nonprofit not being able to fulfill its commitments. The acquisition of the landfill site is a double-edged sword. The non-profit is open to two pathways: one is the nonprofit owns and manages the landfill site on its own and there is some sort of agreement with the Conservancy to implement the project. That leaves all the control

in terms of how access is regulated managed and created in an entity other than a governmental entity, and that lack of control concerned her. Particularly when you add on the easement granted with the option agreement, which essentially regulates how access is going to be managed. On the other side, if the Conservancy or another state agency were to take some sort of interest in the property, what if the non-profit were to dissolve and there was no associated liability protection for the State? The state would get stuck with potential liability and potential costs down the road. The risk and uncertainty associated with Alternative 5B leads me back to Alternative 1; we do not need to take Alternative 5B off the table, but in terms of creating the most equitable access for the greatest amount of people in the most efficient amount of time, she would settle on Alternative 1, with the option of looking at other alternatives in the future, because more access is better than less.

Ms. Forhan expressed her appreciation for the information provided by the representatives from the State agencies; it is critical to the deliberation and discussion. She wanted to reshape the discussion. All of these perspectives are very important. The Board needs to come to a decision today and the Conservancy is at a crossroads. It's been in existence for about 21 years or so. It is key that, in addition to the six state agencies on this board, providing tremendous expertise and understanding of the issues, there are nine members representing local agencies, and of those nine, three are citizen representatives. One of those positions is vacant, from the County of Madera. What is important, is that when the Conservancy was created, it was the intent of the legislature that the Conservancy shall promote the Parkway and coordinate efforts and mediate differences among the local jurisdictions and the State. The Board cannot forget the importance of the local representation and the local member agencies. We need to think long and hard—we are at a crossroads in making a decision and in the Conservancy moving forward, and with it being possible to move forward in its role. With regard to the two alternatives, the we should not forget that we want to public access to the river, and we have to do it in a way that it will actually occur. We cannot overlook the interests of the local member agencies. The points that Ms. Vance made were very important: there are measures and points at which Alternative 5B will be thoroughly vetted and reviewed. If the alternative is not possible, then the Board would revert back to Alternative 1. She supports moving in that direction, in order to maintain this State commission.

Mr. Frazier stated that he had deliberated over project more than anything he has done in Madera County in recent times. He has walked the site of every alternative. He brought his wife, and asked which one she felt was best way to go. She supported Alternative 5B and he always respects her opinion. He also supports Alternative 1 as a great access point. When Madera County is planning development along the river, everyone wants to know how to get access to the river from their home. If the Alternative 5B is approved, that would be social justice when the property values of homes near Alternative 1 don't increase. Alternative 1 would be beneficial to the neighbors. He was not swayed by any arguments in terms too much congestion because in any case there will still be pedestrian access at Riverview Drive. If the Board is trying to create the most access possible, if we approve Alternative 5B for vehicular access, there will continue to be pedestrian access at Alternative 1. He was trying to bring everything together, and had talked to both sides. He has read all of the options, emails, and letters, and taken them all into consideration and cared about them. He is a pragmatist and wants to figure out the best way to get this done, to get all the State agencies and local agencies on the same page. We can't act like the things that Mr. Rudd said on the record were not said. There are politics involved and we have to recognize it. We need to know how to move forward. The best way to move forward is to go through with Alternative 5B with the tight time frames as proposed by Ms. Vance. Ms. Vance made great points. A lot of those attending in support of Alternative 1 might think that Alternative 5B infeasible. If it is, the Board moves on to Alternative 1 by next year. He expressed that he

wanted—and needed—to see this project happen. He wanted to take his kids—not his grandkids—to the grand opening. If the Conservancy tries to thumb its nose the agencies, then it does not have a clear path forward, and the Conservancy won't have a project. It will be litigated, it will be held up in the courts. In the courts public opinion does not matter; it would be tried and won by whoever has the best attorneys. We don't want to lose our power as citizens of Fresno and Madera county to have a say on how this moves forward. I don't know if Ms. Vance is going to make the motion, but if she is not I am willing to.

Mr. Oliver stated that there has been discussion of the good will that needs to be earned and developed with City of Fresno and other partner agencies. He didn't think it could be overstated that good will is on the line, for those who have passionately fought for Alternative 1 among other options as well. A lot of folks have put in hundreds of hours along the river. We need both sides to participate in this process. The reality of this project is we need a partner like the City of Fresno to participate, especially with the operations and maintenance. The City is a natural fit in that they currently perform those duties on the current Eaton Trail and other Parkway projects. He wants to move toward a City partnership and wants to see the project completed. Whether the project is Alternative 1 or Alternative 5B, he would like to see the Conservancy move toward implementing the elements of the Proposed Project. If there was a way to separately pursue those elements, it would be advantageous, especially if there is going to be any question of whether a traffic signal is going to be installed to implement Alternative 1, or if access or property can be conveyed to implement Alternative 5B. With respect to the SJRAC, he appreciated their involvement; their activity came in where others thought it would be impossible to acquire the property, that it was contaminated and as State agency we would not be able to play that role. They stepped in and took the lead, offered to indemnify the State, and do what's necessary to make the project a reality. However, in the meantime, the Board has some new information that has been shared by the County of Fresno, information that would put the Board more at ease had we had the information long ago when working to acquire the property. If Alternative 5B is where the Board goes, if we are going to make that kind of effort in its study and in due diligence, and eventually its implementation, he felt the Conservancy should have the underlying fee ownership of that property. He supported Ms. Vance's recommendations and, if she would consider it, he would like to add a friendly amendment that as a part of that feasibility study, the Conservancy explore being able to acquire that property in fee title.

Mr. Donnelly stated that he wanted to make three points: Understanding there is going to be pedestrian access at all three points, he was concerned about the pedestrian access at Riverview Drive without Alternative 1 being in place. There would parking issues in the neighborhood. However, if you get people through the neighborhood and down to the parking lot on the floodplain, there will fewer issues to be resolved. There is already a parking lot at Alternative 5B, the roundabout parking at Spano Park, and you could walk down a trail to the river bottom. Lastly, the devil in is the details. He was really pleased and appreciates that the SJRAC was so cooperative and went to work on this. But the easement that was associated with option agreement, would eliminate the Conservancy's ability to operate that parking lot and put in the infrastructure it needs to provide viable parking. He had an issue with the veto power in the easement. He favored Alternative 1 based on all of the information that the Board heard over the last two meetings. He recognized and profoundly appreciated the City's ability and desire to work with the Conservancy and hoped that would continue. Mayor Brand made an important point, the Conservancy is intended to put forward local public agency members' and their citizens' values. However, looking at a Statewide perspective and how these types of issues have occurred and have been satisfied on a Statewide basis, and the policy implications, he thought the Conservancy could get a project with Alternative 5B, but could get there better with Alternative 1.

Mr. Spina asked staff to explain, for Alternative 5B, the access road that leads to the parking lot would be 30 feet wide to allow for two-way traffic. It was reported it would be a 10% grade, but if it's handicap accessible it cannot be 10%.

Ms. Marks explained that for developing parks and trails, it is recognized the topography does not always serve Americans with Disability Act (ADA) access needs. ADA access to the trail would be achieved at the parking lot down at the grade on the floodplain, at grade with the extended multi-use trail. The sidewalk leading down to Alternative 5B would not be ADA accessible. The sidewalk leading down from Riverview Drive would not be ADA accessible; it exceeds the slopes. The project would meet ADA needs where the topography allows the two parking lots at grade with the trail. It's just the nature of the bluff, there is a very steep slope.

Mr. Borgeas asked what's the slope of the other option?

Ms. Marks reminded the Board that there is a 30% engineered design for one alternative and a 10% design on the others, so they don't know exactly. The site has a 60-90 foot drop between the bluff and the floodplain; there is going to be a steep slope into the property no matter which location is selected. The project would achieve ADA accessibility by people being able to drive in to park in handicap parking spaces down on the floodplain where they can access the trail, from any of the parking areas.

Mr. Spina asked for further information about ADA accommodations via the pedestrian pathways into the site.

Ms. Marks stated that the pedestrian pathways may be too steep for ADA access. Currently some segments of the existing Lewis Eaton Trail do not meet ADA grades. It's just the topography of the river area that precludes it. One of the positive things about this project is that there will be parking at the same grade as the trail, and the trail will have shallow slopes. Other portions of the Lewis Eaton trail do not have that kind of access.

Mr. Spina asked, with regard to the parking lot, supposedly the landfill is going to be capped, but from that point on will the construction of that parking lot be paid for by the Conservancy?

Ms. Marks stated the Board has not allocated any funds for any construction for any part of the project yet, but the funds the Conservancy are available for improvements.

Mr. Spina asked, is that the intent?

Ms. Marks replied that it is intended the Conservancy would be the source of funding for the improvements. Some Conservancy projects do involve matches if other fund sources are available, but for the most part the Conservancy has been looked to fund the projects.

Ms. Alvis noted whether or not a Phase 2 investigation would be required was mentioned many times, and the letter from the County mentioned what could be done in that respect. Have they reviewed the plans and confirmed whether that is an additional process that still needs to be done in order to evaluate the closure?

Ms. Marks stated the County has confirmed no further Phase 2 investigations are necessary, based on 25 years of work associated with all the various landfill issues that are adjacent to this property as well as the property that's optioned for the parking lot. They determined they have adequate information and are not going to require further Phase 2 for the optioned area.

Ms. Alvis asked, for any other permits that might be required, like a storm water permit, is there anything else that can trigger the need to do an additional analysis, that staff is aware of?

Ms. Marks replied no, not really. One of the commenters mentioned that the EIR might not have adequately covered the permits for the parking lot as proposed for the post-closure plan/ land use plan. The permits are identified in the EIR in the general requirements for the project. When there is fill in a floodplain there are some requirements that you have to meet, and the Central Valley Flood Protection Board has requirements—those are identified in the EIR.

Ms. Alvis stated that coming from the perspective of the Natural Resources Agency and as a person who has evaluated and administered grant programs to do all types of parks and public access and restoration projects, there's a certain amount of initial evaluation in these proposals to decide what's competitive or not. Thinking through that lens, with these two options that we have whittled it down to, and keeping in mind that our ultimate goal as a board is to improve public access to the Parkway, she was of the opinion that the Board should be working towards getting to as many access points as possible. There is an option in front of the Board that has significantly less impediments in getting public access in a more timely way. Because the Conservancy would be using state bond funding, the Board needs to be mindful of the amount of funding we would be putting toward the work. The legislature gives the Board the authority to spend those bond funds. The Governor approves them in the Governor's budget and those appropriations have a time period associated with them; so by asking to use these funds we are looking for the path that provides the public benefit in an effective and efficient manner. She was not discounting Alternative 5B as a potential option, but as it stands currently there are so many questions that still remain. Someone said earlier the devil is in the detail, and that is really true. She would not want to get down a path where the Conservancy is spending a lot of time scrambling trying to figure out all these important issues. Alternative 1 does not seem as complex. She had not heard in any strong way why the Board would not want to go forward and approve what seems to be the easier access point. It doesn't prevent us from continuing to work on other access points and evaluate them for a potential decision later on. The Board appears to be moving toward Alternative 5B with all these add-ons and expectations to be delivered by such and such date. She would like an upfront vote on Alternative 1. She might not get the outcome that she would like, but just given the materials that have all just come in, and how much has developed in such a short amount of time, and having to make an important decision and read all this material in the hope of making the right decision, it just did not feel right. She felt Alternative 1 gives public access to the river and Parkway, and it does not have as many impediments. The one impediment it does have is there is a finding of a significant impact in the EIR, because the Conservancy doesn't control the ability to install a traffic light. A statement of overriding considerations allows us to move forward. It does not mean that we are sticking it to the City. We need to and want to encourage participation with the City, and the Board can find a solution to install that traffic light and work with the community on addressing any other problems that might come forward. That is why I would like to take a stand up vote on Alternative 1.

Mr. Gresham added that the project site is a very important piece of property right in the heart of the City of Fresno. The Conservancy owe the public as much access as possible to this property, not just today but from 20 years from now. So, the Board heard from the City they are not excited about supporting operations and maintenance if we approve Alternative 1. What we didn't hear is that they will support operation and maintenance if we approve Alternative 5B. That's not a dig by any means, but it just kind of cancels itself out. We are not solving that problem here today. With maximum access options being his goal, if the Board approves Alternative 1, it keeps the doors open for Alternative 5 once the Conservancy works out any potential access easements

there and Alternative 5B can certainly be revisited as well. For him Alternative 1 is the low hanging fruit and that's the way he is prepared to vote.

Mr. Janzen stated, as the letter states from the Mayor, he absolutely and unequivocally supports public access. Yes, he says he supports one of the deals. Each of us has different opinions on that. And in his last paragraph, he states that I think it is the best approach is to find a solution that serves all of the community. I would like do a project and keep both Alternative 1 and Alternative 5B so that staff can study them and keep them moving forward. I don't want to take 12 to 18 months to do Alternative 5B and then say "Oh year that's not going to work. Let's go back and start on Alt1." I think the staff needs to be able to keep moving them all forward and somewhere I read that I we do pass the right one we probably can do that. But the main project, we need to get that on the record and fully understand the real issue is someone to operate it. If we don't have an agreement on operation and maintenance, we don't have any project.

Mr. Borgeas noted that reasonable people can have different approaches to this project. He was to capitalize on that reasonableness and sensibility. The Board has been hearing that Alternative 1 is ready to go. He was baffled by the thought that Alternative 5b is going to require more work and Alternative 1 ripe and ready to be picked as low hanging fruit. If you scratch surface you realize that Alternative 1 has many more complications: If a party that opposes Alternative 1 were to initiate litigation, CEQA litigation could easily take one to two years out of the gate. That means the project is in limbo for that duration. Second, there is no project without maintenance money from a reliable source for 30 years. There is no offer from the City to support maintenance for Alternative 1. His recollection from when the Mayor of the City of Fresno was here, it was unequivocal that his office and his administration would support Alternative 5B with maintenance funding—there was no question about that. Third, the Conservancy would have to get a General Plan amendment for Alternative 1. Going through the City Council for a general plan amendment is a fairly an arduous process. And lastly, is the conditionality of installing the traffic light. Added up, Alternative 1 becomes more complicated even though it has the allure, the veneer of simplicity. Finally, the beauty of the testimony today, even for those that may have some heartburn over that 12-month period of time to make progress toward Alternative 5B, the Proposed Project can still move forward. We would still work on the Proposed Project during that one-year period. While Alternative 5B is going through the process in making certain that all the benchmarks are being satisfied, we would still be moving forward. Whereas, if Alternative 1 is pursued and litigation is triggered, that may put everything in jeopardy, and the Proposed Project would not be moving forward. He respects everyone on this board, everyone was there for the right reasons, and each of us are reasoning in our own way. He hoped that at this point we have an opportunity to make a motion and that it can be crafted begin making progress.

Ms. Vance made a motion that that the Board approve Alternative 5B, with the added definition of reasonable progress on the specific items she had listed earlier.

Ms. Marks suggested it would be best to formally include those items with approval of the resolution.

Ms. Morkner-Brown reiterated the conditions for Alternative 5B to for progress to be made as follows: The property would be purchased by the non-profit organization. An access easement (or other access mechanism) would be recorded by the Conservancy or another entity for the project. The landfill post-closure land use plan would be approved. City exceptions to the two ordinances be secured: the tree removal ordinance and bluff protection ordinance. The restrictions and issues associated with the Spano easement would be resolved, whether the plan as proposed and attached to the option is approved,

or for is any other restriction. And there was a friendly amendment to explore options for the Conservancy to acquire the property in fee title.

Ms. Marks added that in order to implement that, by the March meeting staff would provide a work plan.

Mr. Frazier stated the chairperson has suggested that Alternative 1 would result in litigation. There has been testimony—including testimony of attorneys—from all sides, for Alternative 1, Alternative 5B, and against the project in general. There is always going to be some kind of risk of litigation no matter what the Board chooses. What if we are in the one-year period to make progress, and there is a delay just to keep the Conservancy from moving forward?

Ms. Morkner-Brown stated after 12 months the effort is done; the Board would reconsider Alternative 1.

Mr. Frazier stated, assuming everyone is acting in good faith on both sides, then he would second that motion. Monthly status reports would be better.

Ms. Vance reiterated her motion for a vote on Alternative 5B, with the stated additions and modifications to Resolution No. 17-02. Ms. Marks clarified Resolution 17-02 (Alt Alternative 5B) with the amendments listed beginning at line 59.

Mr. Crow stated there was a friendly amendment on the table. He asked if Ms. Vance wanted to accept Mr. Oliver's amendment.

Ms. Vance responded, "definitely."

Mr. Borgeas noted he has many folks and friends who are supportive of Alternative 1. He wanted to be able to tell them that within that 12-month period of time, if Alternative 5B gets derailed then the Board will bring Alternative 1 back for consideration. That is what he had represented, and what he would support.

Ms. Vance stated, yes, she agreed.

Ms. Marks confirmed that provision was written in the resolution the Board was considering adopting.

Mr. Donnelly stated, if Alternative 5B fails at some point during that year, Alternative 1 would come back to the Board for consideration, and the Board members intended to support that.

Mr. Borgeas added that Alternative 1 would have to come back to the Board, and he would be supportive of it at that point.

Mr. Donnelly asked if the Board would still need to go through the same public process.

Ms. Marks reported that the Board would have only one proposal on the table for consideration. At the November meeting the Conservancy originally started with six different alternatives. The Board would have a resolution to consider rescinding approval of Alternative 5B and approving Alternative 1, and would convey why Alternative 5B proved infeasible. **Ms. Marks asked if the Board would consider adding a line to the resolution to make it absolutely clear that in the meantime the Conservancy would be proceeding with the core project.**

Mr. Borgeas responded affirmatively. We are not wasting time.

Ms. Marks suggested that might be considered an amendment of the motion.

Mr. Borgeas asked if that was okay with the maker of the motion.

Ms. Vance replied, "yes."

Mr. Oliver seconded the amendments.

Ms. Alvis commented she would prefer instead of having Alternative 1 come back to the Board, if the milestones are not met then it rescinds Alternative 5B, and the Conservancy would move forward with Alternative 1, so that the Board does not have to have this whole discussion again.

Ms. Morkner-Brown strongly discouraged that because there are specific findings that the Board would be making. The Board would have to proceed with approving Alternative 1 today, and that involves rejecting Alternative 5B as infeasible. That would not be consistent with proceeding with Alternative 5B for a period of time. That infeasibility finding would be easier if all these conditions are not met in this year, and those findings would be cleaner. She strongly discouraged trying to have proceeding with Alternative 1 be automatic if Alternative 5b fails.

Ms. Marks added that would basically open the possibility of a CEQA challenge for all the elements of the project.

Ms. Lucchesi wanted to clarify that essentially whatever would come up during due diligence over the next year would be fair criteria in deciding whether Alternative 5B is feasible or not. She wanted to make sure there were no undue restrictions on what constitutes feasibility.

Mr. Borgeas stated that everyone is acting in good faith on this issue. We all want to see this project move forward.

Mr. Janzen stated that he was going to vote "no," on the basis that he did not want to see Alternative 1 just sitting there with no progress for a year. He will support the Board going forward with whatever decisions it makes, but he will be voting no.

Mr. Borgeas restated the motion: **The motion is for the board to approve Alternative 5B on the condition that specific benchmarks are accomplished within a 1-year period of time including the 5 items that were identified by Ms. Vance [1. The property would be purchased by the non-profit organization. 2. An access easement (or other access mechanism) would be recorded by the Conservancy or another entity for the project. 3. The landfill post-closure land use plan would be approved. 4. City exceptions to the two ordinances be secured: the tree removal ordinance and bluff protection ordinance. 5. The restrictions and issues associated with the Spano easement would be resolved, whether the plan as proposed and attached to the option is approved, or for is any other restriction.] among the Conservancy and the relevant parties, and that all parties are acting in good faith. In the event that Alternative 5B is determined to be infeasible, then Alternative 1 will be brought back to the Conservancy Board for review. In addition, on an amendment by Mr. Oliver, the Conservancy will look upon this opportunity to at some point take possessory rights to the [privately owned] land.**

Ms. Marks added that Alternative 5B approval was detailed in in your Resolution 17-02 (Alt. 5B) the findings, and the mitigation monitoring and reporting program that are attached to it.

On motion of Ms. Vance, and second by Mr. Frazier, the Board cast the following vote.

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Andrea Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen		X	
Ms. Julie Vance	X		
Mr. Kent Gresham		X	
Mr. John Donnelly		X	
Ms. Julie Alvis		X	
Ms. Jennifer Lucchesi		X	
Ms. Karen Finn		X	
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

The motion passed by majority vote. Resolution 17-02 (Alternative 5B), as amended by the motion and friendly amendments, and as passed by the Board, is attached.

H. ADMINISTRATIVE AND COMMITTEE REPORTS

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

H-1b RiverTree Volunteers

H-2 Deputy Attorney General

H-3 Executive Officer

H-4 Board Members' Reports

I. EXECUTIVE SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATE

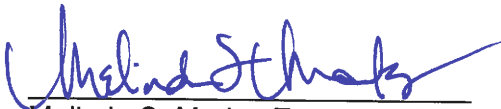
There was no meeting scheduled in the month of January. The next meeting of the Board is to be determined. Please look for meeting notices at www.sjrc.ca.gov.

L. ADJOURN

Mr. Borgeas adjourned the meeting at approximately 3:01 p.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Jasanjit Bains at (559) 253-7324 or Jasanjit.Bains@sjrc.ca.gov.

Respectfully Submitted,


Melinda S. Marks, Executive Officer

State of California
SAN JOAQUIN RIVER CONSERVANCY

RESOLUTION 17-02(Alt. 5B)

December 13, 2017

***Regarding River West Fresno, Eaton Trail Extension Project, Approval of Alternative 5B,
North Palm Access, and Adoption of CEQA Findings of Fact and Mitigation Monitoring and
Reporting Plan for Alternative 5B***

WHEREAS, on November 15, 2017, the San Joaquin River Conservancy Board (Conservancy Board) certified the Final Environmental Impact Report (Final EIR) for the River West Fresno, Eaton Trail Extension Project in Resolution 17-01, and hereby incorporates by reference the defined terms and statements contained in that Resolution;

WHEREAS, the Final EIR includes an analysis of a proposed Project that would extend the existing Lewis S. Eaton Trail by constructing a multipurpose trail extension, approximately 2.4 miles, from the Perrin Avenue alignment near State Route 41 on the east to Spano Park on the west, provide a parking lot (Perrin Avenue parking lot) for 50 vehicles plus trailer parking, and pedestrian and bicycle access at four locations: Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the existing Bluff Trail;

WHEREAS, the Final EIR also includes a full analysis of six action alternatives (in addition to the No Project Alternative): Alternatives 2 and 3 analyzed different trail alignments, with no change to the vehicular access or parking lot; Alternatives 1, 5, and 5B each analyzed a design with an additional vehicle entrance and parking lot (in addition to the Perrin Avenue access and parking lot), with nominal changes to the proposed Project trail alignment; and Alternative 4 analyzed a design with no vehicular access or parking lot;

WHEREAS, the Final EIR includes an analysis of Alternative 5B, "North Palm Access," that would provide a public access entrance at the City of Fresno's existing Spano Park, an access roadway and path descending a river bluff to the floodplain, and a parking lot for 40 vehicles with access to the western end of the multi-use trail extension;

WHEREAS, the Final EIR also includes an analysis of Alternative 1, "Additional Parking," that would provide a public vehicle entrance, an additional parking area for 40 vehicles, and public access to the multi-use trail extension from West Riverview Drive;

WHEREAS, the Conservancy Board has considered the information in the Final EIR and input provided through public comments, and recognizes the benefits of proceeding with approving Alternative 5B, which includes the added features as well as the features of the proposed Project;

NOW, THEREFORE, BE IT RESOLVED that, in consideration of the Final EIR and the entirety of the record, the Conservancy Board adopts the Findings of Fact set forth in Attachment A(Alt. 5B) to this resolution.

BE IT FURTHER RESOLVED that the Conservancy Board adopts the Mitigation Monitoring and Reporting Program as set forth in Attachment B(Alt. 5B) to this resolution.

NOW, THEREFORE, BE IT ORDERED that in consideration of all of the foregoing, and the entirety of the record, the Conservancy Board approves the River West Fresno, Eaton Trail Extension project— Alternative 5B, as described in the Final EIR (in Chapter 5, Section 5.11), which includes the project design features and the mitigation measures described in the Findings of Fact attached as Attachment A(Alt. 5B) and reflected in the Mitigation Monitoring and Reporting Program attached as Attachment B(Alt. 5B).

BE IT FURTHER ORDERED that Conservancy staff file the Notice of Determination with the State Clearinghouse and post it on the Conservancy's webpage within five days.

BE IT FURTHER ORDERED that Conservancy staff shall take any other necessary steps to obtain all additional permits, approvals, and rights that would allow construction and operation.

BE IT FURTHER ORDERED, the Conservancy may implement the core elements of the project, defined as the features of the proposed Project in the Final EIR (Chapter 2), as soon as funding and other considerations permit.

BE IT FURTHER ORDERED that Conservancy staff shall continue to work with the City of Fresno, affected landowners, and regulatory agencies regarding issues that need to be resolved to develop the additional vehicular entrance and parking lot as analyzed as Alternative 5B, the North Palm Access, and provide status reports to the Conservancy Board at all 2018 public meetings. With the understanding that all parties shall be acting in good faith, if, in the Board's sole discretion, reasonable progress is not made toward implementing Alternative 5B within one year of this approval, the Board by majority vote may direct staff to evaluate and prepare Alternative 1 as analyzed in the Final EIR for Board approval, and to rescind approval of Alternative 5B. Reasonable progress is defined as specific benchmarks to be accomplished by the Conservancy and others within a 1-year period after this approval of Alternative 5B, generally as follows: approximately 11 acres of privately owned property, hereinafter the "Spano property," shall be acquired by the San Joaquin River Access Corporation; a post-closure land use plan for the Spano property must be approved; exceptions/variances to the Bluff Protection Overlay District and tree removal ordinance must be secured from the City of Fresno; the issues associated with the proposed Spano easement attached to the San Joaquin River Access Corporation's option agreement must be resolved to the Conservancy Board's satisfaction; and an access easement for public use shall be secured in favor of a willing public agency and recorded for the Spano property; alternatively, the Conservancy shall investigate acquiring fee title ownership of the Spano Property.

ATTACHMENTS

Attachment A (Alt. 5B) - Findings of Fact

Attachment B (Alt. 5B) - Mitigation Monitoring and Reporting Program

Resolution 17-02(Alt. 5B) Approval of Alternative 5B

Motion made by Julie Vance and seconded by Brett Frazier, passed this day of December 13, 2017, by the following roll call vote of the San Joaquin River Conservancy governing board:

Name	Yes	No	Abstain
Mr. Borgeas	X		
Mr. Frazier	X		
Mr. Brandau	X		
Mr. Oliver	X		
Mr. Spina	X		
Mr. Janzen		X	
Ms. Vance	X		
Mr. Gresham		X	
Mr. Donnelly		X	
Ms. Alvis		X	
Ms. Lucchesi		X	
Ms. Finn		X	
Ms. Forhan	X		
Mr. Gibson	X		



Attest:


Melinda S. Marks, Executive Officer

12-22-17
Date signed

December 13, 2017

TABLE OF CONTENTS

Section	Page
I	INTRODUCTION 1
II	PROJECT DESCRIPTION..... 2
	Project Location and Setting..... 2
	Project Summary 3
	Project Objectives 4
III	PROCEDURAL FINDINGS..... 4
IV	RECORD OF PROCEEDINGS 6
V	FINDINGS REQUIRED UNDER CEQA 7
	Summary of Findings 8
	Mitigation Monitoring 40
	Significant Irreversible Environmental Effects 40
	Growth Inducement 40
	Environmental Justice Considerations..... 41
	Energy..... 41
VI	FINDINGS ON PROJECT ALTERNATIVES..... 42
	Alternatives Considered in the EIR 42

ACRONYMS AND OTHER ABBREVIATIONS

ADA	Americans with Disabilities Act
BMP	best management practice
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Fresno
Conservancy	San Joaquin River Conservancy
CRHR	California Register of Historical Resources
DEIR	draft environmental impact report
EIR	environmental impact report
ESA	Endangered Species Act
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
LED	light-emitting diode
MMRP	mitigation monitoring and reporting program
mph	miles per hour
NOA	notice of availability
NOC	notice of completion
NOP	notice of preparation
NPDES	National Pollutant Discharge Elimination System
Parkway	San Joaquin River Parkway
Parkway Master Plan	<i>San Joaquin River Parkway Master Plan</i>
PRC	California Public Resources Code
project	River West Fresno, Eaton Trail Extension Project
River	San Joaquin River
SJKF	San Joaquin kit fox
SR	State Route
State CEQA Guidelines	California Environmental Quality Act Guidelines
SWPPP	storm water pollution prevention plan
USFWS	U.S. Fish and Wildlife Service

I INTRODUCTION

The San Joaquin River Conservancy (Conservancy) proposes to approve the River West Fresno, Eaton Trail Extension Project (project). The purpose of the proposed project is to expand the existing Lewis S. Eaton Trail by constructing a multipurpose trail along the San Joaquin River (River), extending approximately 2.4 miles from a public entrance and 50 space parking area at Perrin Avenue near State Route (SR) 41 on the east to Spano Park on the west, within the city limits of Fresno. The project would provide for low-impact recreational activities such as hiking, bicycling, equestrian use, fishing, and nature observation, consistent with the Conservancy's *San Joaquin River Parkway Master Plan* (Parkway Master Plan). Alternative 5B includes the proposed project plus an additional public vehicle entrance, and public access to the trail extension through Spano Park, at the terminus of Palm Avenue north of its intersection with Nees Avenue, and parking for 40 vehicles on the floodplain. Alternative 5B was developed to provide additional options to address limited public access to the River for residents of the Fresno metropolitan area, including disadvantaged communities.

An environmental impact report (EIR) was prepared for the project to provide relevant information regarding the environmental effects associated with project construction and operation as required by the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.). The EIR included a detailed analysis of impacts in 16 environmental disciplines, analyzing the proposed project, six action alternatives (including Alternative 5B), and a no project alternative. The EIR discloses the environmental impacts expected to result from the construction and operation of the proposed project or any of the six alternatives. The EIR identifies mitigation measures to avoid or minimize significant environmental effects. The Conservancy finds that including these mitigation measures as part of project approval will reduce all impacts associated with Alternative 5B (as described in Chapter 5, Section 5.11 in Volume I of the Final EIR [FEIR]) to less-than-significant levels.

The purpose of these findings is to specifically address the environmental effects of Alternative 5B that are identified in FEIR Volume I, Chapter 5, Section 5.11, as required by PRC Sections 21081 and 21081.6 and Sections 15091 and 15093 of the California Environmental Quality Act Guidelines (State CEQA Guidelines) (California Code of Regulations Title 14, Section 15000 et seq.). The CEQA statute and State CEQA Guidelines state that when an FEIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to State CEQA Guidelines Section 15091, for each identified significant impact:

- A Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
- B Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

Section 15092 of the State CEQA Guidelines states that after consideration of an FEIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project.

CEQA states that a public agency shall not approve or carry out a project that would result in a significant environmental impact unless it makes these findings regarding feasible mitigation measures or feasible alternatives that can avoid or substantially lessen the identified impacts. However, in accordance with PRC Section 21081 and State CEQA Guidelines Section 15093, whenever a significant impact cannot be mitigated to a less-than-significant level, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In this circumstance, Section 15093 requires the lead agency to document and substantiate its determination that there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects in a “statement of overriding considerations” as a part of the record. The requirements of Sections 15091, 15092, and 15093, as summarized above, are addressed in this document for Alternative 5B described in Volume I, Chapter 5, Section 5.11 of the FEIR.

As required by CEQA, the Conservancy, in adopting these findings, will also adopt a mitigation monitoring and reporting program (MMRP) for Alternative 5B. The Conservancy finds that the MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

II PROJECT DESCRIPTION

This section provides an overview of the Alternative 5B, which is fully described in Volume I, Chapter 5, Section 5.11 of the FEIR.

PROJECT LOCATION AND SETTING

The study area is located along the San Joaquin River between SR 41 and Spano Park within the city limits of Fresno. The boundary extends from the River south to the San Joaquin River Bluffs and westward from SR 41 to Spano Park, located near the intersection of Palm Avenue and Nees Avenue. The study area analyzed in the FEIR is approximately 358 acres and is located on the south side of the River. A majority of the land is owned by the State of California under the management jurisdiction of the Conservancy (this land is hereinafter referred to as “Conservancy land”). Two parcels, owned by the City of Fresno (City), are adjacent to Conservancy land. The project area also contains State sovereign lands riverward of the River’s low-water mark, owned by the State of California and under the jurisdiction of the California State Lands Commission. Implementation of a portion of the proposed project may occur on Fresno city parcels.

Three other parcels in the study area are owned by others and would not be part of the project. One parcel, privately owned land located near the center of the project area, is occupied by two residences. Access to these residences is via a paved road within an access easement on Conservancy property from West Riverview Drive. The other two parcels, owned by Fresno Metropolitan Flood Control District, contain stormwater detention basins. The proposed project would not affect these basins.

A residential subdivision is located on the bluffs adjacent to the southern project boundary. The subdivision is within the city limits of Fresno.

Conservancy land within the study area is currently closed to the public in accordance with PRC Section 32511.

PROJECT SUMMARY

The Conservancy proposes to expand the Eaton Trail by constructing a multipurpose trail and providing ancillary recreation support features. The paved, multi-use trail would be extended approximately 2.4 miles, from Perrin Avenue near SR 41 on the east to Spano Park on the west. The project would provide for low-impact recreational activities such as hiking, bicycling, equestrian use, fishing, and nature observation, consistent with the Conservancy's Parkway Master Plan.

MULTIPURPOSE TRAIL

The trail extension would be about 22 feet wide, with a 12-foot-wide paved surface, a parallel 8-foot-wide hard natural surface for equestrian use, and a 2-foot shoulder (opposite the natural surface area). The trail extension generally would follow the alignment as shown in the conceptual drawing in Volume I, Figure 2-3 of the FEIR, from SR 41 to a staircase leading to Spano Park. The trail would provide accessibility in accordance with the Americans with Disabilities Act (ADA). Three fire hydrants would be added along the trail extension, if feasible: at the Perrin Avenue parking lot, near the private property parcel, and near the toe of Spano Park. In addition to the multi-use trail extension, secondary unpaved pedestrian trails would be provided to the riverbank.

PARKING LOT

A parking lot for 50 vehicles with a controlled vehicle entrance would be constructed adjacent to SR 41 (Volume I, Figure 2-4 of the FEIR). Vehicular access to the parking lot would be from the Perrin Avenue undercrossing of SR 41. A gate and an unmanned parking pay station would be included to manage vehicular access. The parking lot would accommodate up to three horse trailer stalls and would have a fire hydrant (if feasible), a drinking fountain, a public information bulletin board, a small pet station, and a two-vault restroom. The restroom and parking lot would be ADA accessible. Smart lighting with light-emitting diode (LED) light sets with rechargeable batteries and a solar panel would be mounted on light poles, providing sufficient illumination for security and maintenance. The area surrounding the parking lot would be landscaped with native vegetation. An emergency/service gate or removable bollards would provide access to the trail extension for emergency first responders and maintenance staff.

ADDED FEATURES OF ALTERNATIVE 5B

Under Alternative 5B, an additional public access would be provided at Perrin Avenue and by constructing a road from the cul-de-sac at Palm Avenue north of Nees Avenue. (Volume I, Figure 5.11-2 of the FEIR) A retaining wall would be required to stabilize the slope face along the edge of the roadway. A physically separated pedestrian path would parallel the paved road; bicyclists would share the vehicle travel lane. The paved road and pedestrian path would lead to a turnaround near a 40-space parking lot. The turnaround would be designed to accommodate the turning radius of a Fresno Fire Department fire truck. Emergency vehicle access would also be provided via an existing gravel road. Recreational amenities such as a self-contained vault-toilet ADA-compliant restroom,

landscaping, security lighting, and picnic tables would be provided near the parking lot. Although the pedestrian path from the top of the bluff would not be ADA-accessible, the proposed parking area would provide for ADA parking and at-grade access to the proposed trail.

RECREATION ACCESS

Pedestrian and bicycle access would be provided at three locations: Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the Bluff Trail. The Bluff Trail is an existing neighborhood trail, located on land owned by the City. A 12-foot-wide paved trail would be constructed to provide access from the Bluff Trail to the trail extension near West Riverview Drive. Under Alternative 5B, pedestrians and bicyclists can utilize the 6-foot-wide sidewalk alongside the access road or make use of a proposed new stairway with bike ramp that will commence from the top of the bluff and at the northwest corner of Spano Park. A pet station would be provided at each trailhead.

PROJECT OBJECTIVES

The Parkway Master Plan presents goals, objectives, and policies and envisions future uses, improvements, features, facilities, and management measures for habitat conservation, enhancement, and restoration, and recreational and educational uses. The plan specifically envisions trails, bikeways, corridors, equestrian areas, and facilities for nonmotorized boating and fishing. In particular, a continuous, multipurpose trail of approximately 22 miles extending from Friant Dam to SR 99 would be established along both sides of the River, with an interconnected trail system and recreational and educational features. The Parkway Master Plan and its accompanying 1997 FEIR continue as the foundation for the phased implementation for future projects within the San Joaquin River Parkway (Parkway). Volume III, Appendix B of the FEIR for this project summarizes the goals and policies of the Parkway Master Plan.

The key recreation objective, RO3, adopted by the Conservancy and presented in the Parkway Master Plan follows:

Link all recreational areas and natural reserves between Highway 99 and Friant Dam with a continuous, multipurpose trail on land with canoe put-in, take-out, and rest areas along the river to create a recreation system with a variety of recreational opportunities within the Parkway. Connect the multipurpose trail with other local and regional trails and bikeways, originating in surrounding areas.

Alternative 5B would accomplish the creation of an additional segment of the planned Parkway-wide multiuse trail, extending from the existing approximately six-mile segment of the Lewis S. Eaton Trail.

III PROCEDURAL FINDINGS

Based on the nature and scope of the proposed project, the Conservancy determined, based on substantial evidence in the record, that the project may have a significant effect on the environment and prepared an EIR for the project (State Clearinghouse Number 2014061017). The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA (PRC Sections 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.), and additional noticing and opportunities were provided, as follows:

- A A notice of preparation (NOP) of the draft EIR (DEIR) was filed with the Governor's Office of Planning and Research, State Clearinghouse, and the DEIR was circulated to each responsible and trustee agency and circulated for public review and comments from June 9, 2014, through July 8, 2014.
- B The Conservancy cohosted three open house-style public and agency scoping meetings with the City and the San Joaquin River Parkway and Conservation Trust. The first public meeting was held November 17, 2008, at 7815 N. Palm Avenue, Suite 310, in Fresno (office of H. T. Harvey & Associates). The second public meeting was held March 29, 2011, at Nelson Elementary School, 1336 West Spruce Avenue in Fresno. A third public meeting was held June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo Avenue in Fresno.
- C The Conservancy completed and published the River West Fresno Constraints and Opportunities Report, a review of regulatory, physical, and policy guidance toward development of conceptual design of the project, on September 22, 2011.
- D The Conservancy Board considered action items posted on the agenda relating to the scope of the project, conceptual design, and alternative project designs at regularly scheduled Board meetings, and received public comments, on August 5, 2004; May 10, 2007; April 11, 2012; September 17, 2014; May 3, 2017; and August 9, 2017.
- E The Conservancy consulted with 12 Native American organizations and individuals who might have knowledge of cultural resources on the project site. Letters, e-mail messages, and follow-up phone calls were sent to these groups and individuals between June and July 2014, requesting that they participate in the local land use planning process to ensure consideration of tribal cultural resources. The Conservancy reviewed letters from Native American representatives that asked for information regarding cultural resources and followed up to provide all requested information.
- F A notice of availability (NOA) of the DEIR was mailed and emailed on February 15, 2017, to all interested groups, organizations, and individuals who had previously requested notice in writing, and to landowners within 0.5 miles of the project site. The NOA stated that the Conservancy had completed the DEIR and that copies were available at the Conservancy website, www.sjrc.ca.gov, or at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727. An official 45-day public comment period for the DEIR was established by filing a notice of completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse. The public comment period ran from February 15, 2017, through April 15, 2017.
- G The Conservancy held two public information meetings related to the Draft EIR (notice of the meetings was included in the NOA): a public informational meeting posted on the agenda and held by the Conservancy Board on March 1, 2017, at 5469 E. Olive Ave., Fresno CA, at which public comments were recorded in the minutes; and a public informational open house at the Pinedale Community Center, 7170 N. San Pablo Ave., Fresno, CA.
- H Based on comments received during the review period, the Conservancy determined that various sections of the DEIR should be revised and recirculated to analyze a new public access alternative, Alternative 5B, and to revise other portions of the EIR to address issues raised in written comments received during the

public review. Consistent with the procedures described in State CEQA Guidelines Section 15088.5, the following sections and chapters from the circulated DEIR were revised and circulated for a 45-day public review period in the Partially Revised DEIR: Section 3.11, "Land Use and Planning"; Section 3.17, "Transportation"; Section 4.2, "Environmental Justice—Disadvantaged Communities"; and Chapter 5, "Alternatives."

- I An NOC for the Partially Revised DEIR was filed with the Office of Planning and Research and sent to each responsible and trustee agency and was circulated for public comments from August 17, 2017, through October 2, 2017. An NOA for the Partially Revised Draft EIR was mailed and emailed on August 17, 2017 to all interested groups, organizations, and individuals who had previously requested notice in writing and to those who had previously commented on the initial Draft EIR. The Conservancy's noticing clarified that individuals and organizations that provided comments on the original Draft EIR sections being recirculated should review the revised section/s and submit comments that were still relevant to the revised section/s (CEQA Guidelines Section 15088.5(f)(2)). The NOA stated that copies were available at the Conservancy website, www.sjrc.ca.gov or at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727.
- J The Conservancy evaluated the comments and provided written responses to all written comments received during and after the comment periods referenced above for the DEIR and Partially Revised DEIR. Additional information was subsequently added to the DEIR and Partially Revised DEIR, if applicable, to produce the FEIR.
- K The FEIR was released on November 10, 2017. The FEIR consists of the following volumes:
 - *Volume I:* The DEIR dated February 15, 2017, combined with the Partially Revised DEIR dated August 17, 2017. This volume also includes other nonsubstantive changes to correct minor errors or to make minor clarifications from the draft versions. None of the changes made in Volume I of the FEIR constitute significant new information or otherwise trigger recirculation under CEQA.
 - *Volume II:* Comments and Responses to Comments on the Draft EIR and Partially Revised DEIR.
 - *Volume III:* A complete set of the appendices to the merged DEIR and Partially Revised DEIR; all attachments included with comment letters on the DEIR and Partially Revised DEIR; and any appendices relevant specifically to the responses to comments.

As required by Section 15088(b) of the State CEQA Guidelines, public agencies that commented on the DEIR and Partially Revised DEIR were provided the proposed responses to those comments at least 10 days before the date the FEIR was scheduled to be considered for certification. A hearing to consider certification of the FEIR was scheduled for November 15, 2017, and the FEIR was certified by the approval of Resolution 17-01.

IV RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the Conservancy decision on Alternative 5B includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- ▶ the DEIR and all appendices to the DEIR;
- ▶ the Partially Revised DEIR and all appendices to the Partially Revised DEIR;
- ▶ the FEIR and all appendices to the FEIR;
- ▶ all notices required by CEQA and presentation materials related to the project;
- ▶ all comments submitted by agencies or members of the public during the comment period on the NOP, DEIR, and Partially Revised DEIR;
- ▶ all studies conducted for the project and contained or referenced in the DEIR, Partially Revised DEIR, or FEIR;
- ▶ all documents cited or referenced in the DEIR, Partially Revised DEIR, and FEIR;
- ▶ all public reports and documents related to the project prepared for the Conservancy and other agencies;
- ▶ all documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the DEIR, Partially Revised DEIR, and FEIR;
- ▶ all other documents related to the project;
- ▶ the MMRP for the project; and,
- ▶ any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727. The custodian of these documents is Melinda Marks, Executive Officer, San Joaquin River Conservancy.

The FEIR is incorporated into these findings in its entirety, unless and only to the extent these findings expressly do not incorporate by reference the FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project.

V FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same section states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” It goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible

such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first permissible finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR [State CEQA Guidelines, Section 15091(a)(1)]. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency [State CEQA Guidelines, Section 15091(a)(2)].

The third permissible finding is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR [State CEQA Guidelines, Section 15091(a)(3)]. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors [State CEQA Guidelines, Section 15364]. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” [*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 416.]

In the process of adopting mitigation measures, the Conservancy has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the FEIR to update, clarify, streamline, or revise those measures.

SUMMARY OF FINDINGS

The FEIR identified a number of less-than-significant impacts associated with the Alternative 5B that do not require mitigation. The FEIR also identified a number of significant and potentially significant environmental impacts that may be caused in whole or in part by the Alternative 5B. These significant impacts can be fully avoided or substantially lessened to less-than-significant levels through the adoption of feasible mitigation measures and application of best management practices (BMPs).

The Conservancy’s findings regarding Alternative 5B’s significant impacts and mitigation measures are supported by the analysis set forth in the FEIR. The Conservancy’s findings in this document do not attempt to regurgitate the

full analysis of each environmental impact contained in the FEIR. Please refer to the relevant sections in the FEIR for more detail. The FEIR is herein incorporated by reference.

The findings regarding Alternative 5B's significant impacts below provide a summary description of each potentially significant and significant impact; describe the applicable mitigation measures identified in the FEIR and adopted by the Conservancy; and provide a brief explanation of the rationale of the Conservancy for each finding. A full explanation and rationale for each of these environmental findings and conclusions can be found in the FEIR and associated record (described herein), both of which are incorporated by reference. The Conservancy hereby adopts and incorporates the analysis and explanation in the record into these findings, and adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

FINDINGS REGARDING EIR REVISIONS AND RECIRCULATION

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the DEIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The State CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states that "significant new information" may require recirculation if:

- (1) a new significant environmental impact that had not previously been disclosed in the DEIR would result from the project or from a new mitigation measure;
- (2) a substantial increase would occur in the severity of an environmental impact that had already been identified, unless mitigation measures would be adopted to reduce the impact to a level of insignificance;
- (3) a feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- (4) the DEIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The Conservancy determined that various sections of the DEIR should be revised and recirculated to analyze a new public access alternative, Alternative 5B, and to revise other portions of the EIR to address issues raised in comments received during the public review of the original DEIR. The 45-day public review period for the Partially Revised DEIR provided a meaningful opportunity for the public to comment on any new or different environmental impacts associated with the new alternative and information provided after release of the original DEIR.

REVISION TO THE EIR

The revisions made in the Partially Revised DEIR are shown in revision mode in the FEIR, with deletions shown with ~~striking through~~ and additions shown with underlining as requested by the Conservancy Board.

The additional minor changes to text made after circulation of the DEIR and Partially Revised DEIR are noted with deletions shown with ~~double striking through~~ and additions shown in double underlining to distinguish these recent changes from those changes included in the circulated Partially Revised DEIR. These more recent changes present only minor changes made either as a result of comments received, to clarify text, or to modify text for consistency after the substantive merging of the DEIR and Partially Revised DEIR. These changes are insignificant as the term is used in Section 15088.5(b) of the State CEQA Guidelines and do not require recirculation.

FINDINGS REGARDING LESS-THAN-SIGNIFICANT IMPACTS (NO MITIGATION REQUIRED)

The Conservancy finds the characterization in the FEIR of all project-specific impacts identified as “less than significant” to have been accurately described, and those impacts are either less than significant or have no impact, as described in the FEIR, or that changes have been required or incorporated into the project that mitigate or fully avoid any significant impacts. State CEQA Guidelines Section 15091 does not require specific findings to address environmental impacts that an EIR identifies as having “no impact” or a “less-than-significant” impact. However, the findings below are provided to account for all resource areas analyzed in the EIR in their entirety. The resource areas for which the Alternative 5B would result in either no impact or a less-than-significant impact, and would require no mitigation, are identified in the bulleted list below. The list should be read in concert with the full analysis in the FEIR to understand the full range of impacts, or lack thereof, within a resource/issue area. Please refer to the relevant section of the FEIR for more detail.

AESTHETIC RESOURCES

- ▶ Impact 3.2-2: The project could substantially damage scenic resources, including trees, rock outcroppings, and historic buildings within a State scenic highway.

AGRICULTURE AND FORESTRY RESOURCES

- ▶ Impact 3.3-1: The project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to nonagricultural use.
- ▶ Impact 3.3-2: The project could conflict with existing agricultural zoning or a Williamson Act contract.
- ▶ Impact 3.3-3: The project could conflict with existing zoning or cause rezoning of forestland.
- ▶ Impact 3.3-4: The project could cause the loss or conversion of forestland to nonforest use.
- ▶ Impact 3.3-5: The project could involve other changes that could result in conversion of farmland to nonagricultural use or timberland to nonforest use.

AIR QUALITY

- ▶ Impact 3.4-1: The project could conflict with or obstruct implementation of the applicable air quality plan.

- ▶ Impact 3.4-2: The project could violate an air quality standard or could contribute substantially to an existing or projected air quality violation.
- ▶ Impact 3.4-3: The project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- ▶ Impact 3.4-4: The project could expose sensitive receptors to substantial pollutant concentrations.
- ▶ Impact 3.4-5: The project could create objectionable odors affecting a substantial number of people.

BIOLOGICAL RESOURCES

- ▶ Impact 3.5-2: The project could have a substantial adverse effect on riparian habitat or other sensitive natural communities.
- ▶ Impact 3.5-3: The project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.
- ▶ Impact 3.5-5: The project could conflict with a local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance.
- ▶ Impact 3.5-6: The project could conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

CULTURAL RESOURCES

- ▶ Impact 3.6-1: The project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.
- ▶ Impact 3.6-3: The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

GEOLOGY AND SOILS

- ▶ Impact 3.7-1: The project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.
- ▶ Impact 3.7-3: The project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially could result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- ▶ Impact 3.7-4: The project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

- ▶ Impact 3.7-5: The project site could have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

GREENHOUSE GAS EMISSIONS

- ▶ Impact 3.8-1: The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- ▶ Impact 3.8-2: The project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

HAZARDS AND HAZARDOUS MATERIALS

- ▶ Impact 3.9-1: The project could create a significant hazard to the public or the environment through routine transportation, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- ▶ Impact 3.9-2: The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- ▶ Impact 3.9-3: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and therefore would create a significant hazard to the public or the environment.
- ▶ Impact 3.9-4: The project could be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and the project could result in a safety hazard for people residing or working in the study area.
- ▶ Impact 3.9-5: The project could be in the vicinity of a private airstrip, and thus, project implementation could result in a safety hazard for people residing or working in the study area.
- ▶ Impact 3.9-6: The project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

HYDROLOGY AND WATER QUALITY

- ▶ Impact 3.10-2: The project could substantially deplete groundwater supplies or could interfere substantially with groundwater recharge so that a net deficit in aquifer volume or a lowering of the local groundwater table could occur.
- ▶ Impact 3.10-7: The project could place housing within a 100-year floodplain hazard area as mapped on flood hazard delineation maps.
- ▶ Impact 3.10-9: The project could expose people or structures to a significant risk of loss, injury, or death involving flooding because of the failure of a levee or dam.
- ▶ Impact 3.10-10: The project could cause inundation by seiche, tsunami, or mudflow.

LAND USE AND PLANNING

- ▶ Impact 3.11-1: The project could physically divide an established community.
- ▶ Impact 3.11-2: The project could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- ▶ Impact 3.11-3: The project could conflict with an applicable habitat conservation plan or natural community conservation plan.

MINERAL RESOURCES

- ▶ Impact 3.12-1: The project could result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- ▶ Impact 3.12-2: The project could result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

NOISE

- ▶ Impact 3.13-2: The project could result in exposure of persons or generation of excessive groundborne vibration or groundborne noise levels.
- ▶ Impact 3.13-3: The project could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- ▶ Impact 3.13-4: The project could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- ▶ Impact 3.13-5: The project could expose people residing or working in the study area to excessive noise levels because of having a project location within an airport land use plan, or where such a plan has not been adopted, being within 2 miles of a public airport or public use airport.
- ▶ Impact 3.13-6: The project could expose people residing or working in the study area to excessive noise levels because it would be in the vicinity of a private airstrip.

POPULATION AND HOUSING

- ▶ Impact 3.14-1: The project could induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- ▶ Impact 3.14-2: The project could displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- ▶ Impact 3.14-3: The project could displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES

- ▶ Impact 3.15-1: The project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

RECREATION

- ▶ Impact 3.16-1: The project could increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- ▶ Impact 3.16-2: The project could include recreational facilities or could require construction or expansion of recreational facilities that may have an adverse physical effect on the environment.

TRANSPORTATION

- ▶ Impact 3.17-1: The project could conflict with an applicable plan, ordinance, or policy.
- ▶ Impact 3.17-2: The project could conflict with an applicable congestion management program established by the county's congestion management agency for designated roads or highways.
- ▶ Impact 3.17-3: The project could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks.
- ▶ Impact 3.17-4: The project could substantially increase hazards because of a design feature or incompatible uses.
- ▶ Impact 3.17-5: The project could result in inadequate emergency access.
- ▶ Impact 3.17-6: The project could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise could decrease the performance or safety of such facilities.

UTILITIES AND SERVICE SYSTEMS

- ▶ Impact 3.18-1: The project could exceed wastewater treatment requirements of the applicable regional water quality control board.
- ▶ Impact 3.18-2: The project could require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.
- ▶ Impact 3.18-3: The project could require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- ▶ Impact 3.18-4: The project could have insufficient water supplies available to serve the project from existing entitlements and resources, and thus new or expanded entitlements could be needed.

- ▶ Impact 3.18-5: The project could fail to result in a determination by the wastewater treatment provider that serves or may serve the project, stating it has adequate capacity to serve the project's projected demands in addition to the provider's existing commitments.
- ▶ Impact 3.18-6: The project could be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- ▶ Impact 3.18-7: The project could fail to comply with federal, State, or local statutes or regulations related to solid waste.

FINDINGS REGARDING IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANCE

The Conservancy hereby finds that feasible mitigation measures have been identified in the FEIR and these Findings of Fact that are changes or alterations that have been incorporated into Alternative 5B, which will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. The facts listed herein in support of the findings are set forth in the relevant sections of the FEIR. Please refer to the FEIR for more detail.

AESTHETIC RESOURCES

Impact 3.2-1: The project would have a substantial adverse effect on a scenic vista.

The temporary impact would be less than significant. No mitigation is required. The long-term presence and use of the trail extension could affect sensitive viewer groups and could be considered a conflict with the unique and scenic resource that is the River. The long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources-1) which avoid and substantially lessen significant effects on the environment from Impact 3.2-1 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-1.

Mitigation Measure Aesthetics and Visual Resources-1

The Conservancy shall use native plants for landscaping portions of the trail extension to allow for naturalization of these features. Landscaping and recreation facilities shall be designed to create visual buffers and in a manner complementary and/or compatible with the scenic nature of the area. Newly landscaped vegetation shall be irrigated until permanently established. The Conservancy shall select materials and colors for all facilities (e.g., vault toilet restrooms) that shall be compatible with the surrounding natural environment.

Rationale for Finding

The use of native plants for landscaping portions of the trail extension and selection of naturalized materials and colors for recreation facilities would create visual buffers in a manner that is complementary and/or compatible

with the scenic nature of the area. Implementation of Mitigation Measure Aesthetics and Visual Resources–1 would reduce the potential long-term impact on scenic vistas to less than significant. No additional mitigation is required.

Impact 3.2-3: The project would substantially degrade the existing visual character or quality of the site and its surroundings.

The temporary impact would be less than significant. No mitigation is required. The project would alter the view of the San Joaquin River from the viewing areas. The long-term presence and use of the trail extension could affect sensitive viewer groups and could be considered a conflict with the existing visual character of the River. The long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources–2) which will avoid and substantially lessen significant effects on the environment from Impact 3.2-3 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-3.

Mitigation Measure Aesthetics and Visual Resources–2

The Conservancy shall implement Mitigation Measure Aesthetics and Visual Resources–1.

Rationale for Finding

The use of native plants for landscaping the trail extension and selection of naturalized materials and colors for recreation facilities, as described in Mitigation Measure Aesthetics and Visual Resources–2, would create visual buffers in a manner that is complementary and/or compatible with the scenic nature of the area. Implementation of Mitigation Measure Aesthetics and Visual Resources–2 would reduce the potential long-term impact on the visual character of the San Joaquin River to less than significant. No additional mitigation is required.

Impact 3.2-4: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Construction and maintenance activities would take place during the day between 6 a.m. and 6 p.m.; therefore, in the short term, no impact would occur. The project would include low-level outdoor security lighting in the parking area and restroom facilities that would be fully shielded and would point down toward the ground. This would represent a new source of lighting. Therefore, the long-term impact would be potentially significant. (Reference: FEIR, Section 3.2.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Aesthetics and Visual Resources–3) which will avoid and substantially lessen significant effects on the environment from Impact 3.2-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.2-4.

Mitigation Measure Aesthetics and Visual Resources–3

The Conservancy shall implement the following measures regarding lighting design features:

- All outdoor lights shall be fully shielded with full cutoff luminaires.
- All up-lighting for any purpose shall be avoided.
- Tree-mounted lights shall be avoided unless they are fully shielded and pointing downward toward the ground or shining into dense foliage.

Rationale for Finding

Implementation of Mitigation Measure Aesthetics and Visual Resources–3 would reduce the potential long-term impact to less than significant by requiring lighting to be fully shielded, which would minimize lighting use and prevent glare and light trespass onto adjacent properties or into wildlife habitat. No additional mitigation is required.

BIOLOGICAL RESOURCES

Impact 3.5-1: The project would have a substantial adverse effect on a species identified as a candidate, sensitive, or special-status species.

The presence of California satintail and Sanford’s arrowhead in or near the gravel ponds in the study area has not been documented but cannot be ruled out. The impact of construction activities, such as grading and vegetation removal, on California satintail and Sanford’s arrowhead would be potentially significant.

Because of habitat conditions, it is unlikely that San Joaquin kit fox (SJKF) individuals reside in the study area; however, construction activities could potentially affect SJKF if they enter the construction area. The impact would be potentially significant.

The American badger has been observed in nearby areas and dens were noted during the 2011 biological resources survey. Construction activities could directly harm badgers by burying or excavating dens. The impact would be potentially significant.

Avian species such as the bald eagle, Swainson’s hawk, tricolored blackbird, red-tailed hawk, burrowing owl, and migratory birds would be affected by noise; the visual presence of construction equipment and workers; and people recreating. Waterfowl species such as great blue heron would also be affected by the project. Although these species are mobile, their presence during construction would be disturbed, and they would avoid using the area. The impact would be potentially significant.

Two important components of silvery legless lizard habitat are found along the riparian habitat along the River: moist sandy soils and a layer of plant (leaf) litter. Widening the unimproved hiking paths and or placing decomposed gravel overlay could affect the silvery legless lizard. The impact would be potentially significant.

No effects on Central Valley Chinook salmon would be associated with the construction of the trail extension, parking lot, and amenities. No impact would occur. (Reference: FEIR Section 3.5.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Biological Resources–1 through Mitigation Measure Biological Resources–8) which will avoid and substantially lessen significant effects on the environment from Impact 3.5-1 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.5-1.

Mitigation Measure Biological Resources-1 (Special-Status Plant Species)

Before any ground-disturbing activities, a qualified botanist shall conduct a botanical survey for California satintail and Sanford's arrowhead during their respective floristic periods (September to May and November to May). If it is determined that suitable habitat for special-status plants is present, the botanist shall conduct a focused survey for special-status plants during the appropriate time of the year to adequately identify special-status plants that could occur in the study area. The surveys will be performed according to the *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (DFG 2009). Surveys shall be performed before the final alignment has been established to avoid special-status plants, and if the species are present before the start of construction as well.

One or more of the following measures shall be implemented to avoid and/or minimize impacts on sensitive natural communities and special-status plants as appropriate, per the botanist's recommendation:

- Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural communities to be protected. Clearly mark all such areas to be avoided on construction plans and designate these areas as "no construction" zones.
- Allow adequate buffers around plants or habitat; show the location of the buffer zone on the maintenance design drawings. Mark this exclusion zone in the field with stakes and/or flagging so that it is visible to maintenance personnel, without causing excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing).
- Time construction or other activities during dormant and/or noncritical life cycle period.
- Limit the operation of construction equipment to established roads wherever possible.

Mitigation Measure Biological Resources-2 (San Joaquin Kit Fox)

The following measures are summarized from the USFWS [U.S. Fish and Wildlife Service] *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011). These measures shall be implemented to reduce impacts on SJKF entering the area during construction:

- An employee education program shall be conducted. The program shall consist of a brief presentation by a qualified wildlife biologist. The program shall include a description of the SJKF and its habitat needs; a report of SJKF occurrence in the project area; an explanation of the status of the species and its protection under the ESA [Endangered Species Act]; and a list of measures being taken to reduce impacts on the species during project construction. A fact sheet conveying this information shall be prepared for distribution to construction personnel.
- A representative shall be appointed to be the contact for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The

representative shall be identified during the employee education program and his or her name and telephone number shall be provided to USFWS and CDFW [California Department of Fish and Wildlife].

- Project-related vehicles shall observe a daytime speed limit of 15 mph [miles per hour] throughout the project site, except on State and federal highways; after dark, the speed limit shall be reduced to 10 mph. Off-road traffic outside of designated areas shall be prohibited.
- Work at night shall not be allowed.
- To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be inspected for trapped animals.
- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until USFWS or CDFW has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- Holes or trenches more than 8 feet deep shall be covered or fenced at the end of the day.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.
- Firearms shall not be allowed on the project site.
- To prevent harassment, mortality of kit foxes, or destruction of dens, no pets shall be permitted on the project site.
- Rodenticides and herbicides shall not be used on the project site except to control invasive plant species.
- Upon completion of the project, all areas subject to temporary ground disturbance, including staging areas, temporary roads, and borrow sites, shall be recontoured if necessary and revegetated to promote restoration of the area to preproject conditions.
- Any death, injury, or entrapment of SJKF shall be reported to USFWS and CDFW staff immediately. Written reports shall be submitted within 3 working days of the event.

Mitigation Measure Biological Resources–3 (American Badger)

The Conservancy shall conduct a preconstruction survey no less than 14 days and no more than 30 days before the beginning of ground-disturbing activities. If active American badger den sites are present, the Conservancy shall consult with CDFW and implement the following measures:

- The entrances to dens shall be blocked for 3–5 days to discourage use.
- After the 3- to 5-day period, the dens shall be hand-excavated with a shovel to prevent reuse during construction.
- No disturbance of active dens shall take place when cubs may be present and dependent on parent care.

Mitigation Measure Biological Resources–4 (Avian Species)

If project-related construction must occur during the breeding season (February through mid-September), the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.

Mitigation Measure Biological Resources–5 (Bald Eagle)

Before initiating ground-disturbing activities, the Conservancy shall have preconstruction surveys performed for bald eagle nesting habitat and roost sites and foraging areas along the River within 2 miles of the project. Surveys shall be conducted in accordance with the CDFW *Bald Eagle Breeding Survey Instructions* (DFG 2010) or current guidance. If an active eagle's nest is found within 0.5 mile of the project, construction shall not occur during the breeding season, typically January through July or August.

If project-related construction must occur during the breeding season, the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.

Mitigation Measure Biological Resources–6 (Burrowing Owl)

The Conservancy shall implement the following measures before initiating ground-disturbing activities:

- Focused surveys shall be conducted following the survey methodology developed by the California Department of Fish and Game (now CDFW) *Staff Report on Burrowing Owl Mitigation* (DFG 2012).

- If burrowing owls are found within the project footprint as a result of the required surveys, the recommendations of the *Staff Report on Burrowing Owl Mitigation* (DFG 2012) are mandatory; avoiding nesting sites must include implementation of no-disturbance buffer zones, unless a qualified biologist approved by CDFW verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- If burrowing owls must be removed, passive relocation is required during the nonbreeding season. A burrowing owl relocation plan to be approved by CDFW shall be developed and implemented, including passive measures such as installing one-way doors in active burrows for up to 4 days, carefully excavating all active burrows after 4 days to ensure that no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. Replacement of burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) is required.

Mitigation Measure Biological Resources-7 (Swainson's Hawk)

The Conservancy shall implement the following measure before construction starts:

- To avoid impacts on Swainson's hawks, no construction project shall occur between March 1 and August 31 unless a qualified biologist has performed nesting surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (DFG 2000) before the start of project activities. Additional preproject surveys for active nests within a 0.5-mile radius of the project site shall be conducted by a qualified biologist no more than 10 days before the start of project activities and during the appropriate time of day to maximize detectability. A minimum no-disturbance buffer of 0.5 mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure Biological Resources-8 (Raptors/Migratory Birds)

If construction begins between February 1 and August 31, the Conservancy shall conduct surveys for nesting raptors and migratory birds within 1,000 feet of the trail extension, parking lot, and other construction areas. If active nests are found, a buffer of 250 feet shall be established. A smaller buffer area may be sufficient if, in consultation with CDFW, it is determined sufficient to avoid impacts. Buffers shall be maintained until the young have fledged or the nests become inactive.

Mitigation Measure Biological Resources-9 (Silvery Legless Lizard)

The Conservancy shall perform a survey for legless lizard presence and shall evaluate and map specific habitat areas within the riparian habitat along the unimproved hiking paths before construction. The survey

shall use standard coverboard techniques for herpetofauna. If silvery legless lizard or specific habitat areas are found, the area shall be avoided. (Reference: FEIR Section 3.5.)

Rationale for Finding

Implementation of Mitigation Measure Biological Resources–1 (Special-Status Plant Species) would reduce the potential impact to less than significant because the presence and location(s) of special-status plants would be identified and avoided before surface-disturbing activities. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–2 (San Joaquin Kit Fox) would reduce the potential impact to less than significant because the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–3 (American Badger) would reduce the potential impact to less than significant because the presence and location(s) of badger dens would be identified and avoided before surface-disturbing activities begin. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–4 (Avian Species) would reduce the potential impact to less than significant because location(s) of active nests would be identified and avoided with a minimum no-disturbance buffer of 250 feet before surface-disturbing activities. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–5 (Bald Eagle) would reduce the potential impact to less than significant because construction would be avoided within a 0.5-mile buffer area around active eagle's nests during breeding season (typically January through August) or, if project-related construction must occur during the breeding season, because a 250-foot buffer area would be provided around active nests. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–6 (Burrowing Owl) would reduce the potential impact to less than significant because the recommendations in the CDFW *Staff Report on Burrowing Owl Mitigation* (DFG 2012) would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–7 (Swainson's Hawk) would reduce the potential impact to less than significant because CDFW survey protocols and avoidance measures would be implemented. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–8 (Raptors/Migratory Birds) would reduce the potential impact to less than significant because nest sites of raptors and/or nesting birds would be located and those areas would be avoided before surface-disturbing activities begin. No additional mitigation is required.

Implementation of Mitigation Measure Biological Resources–9 (Silvery Legless Lizard) would reduce the potential impact to less than significant because surveys for legless lizard and habitat would be performed in the study area and the species' locations would be avoided. No additional mitigation is required.

Impact 3.5-4: The project would interfere substantially with the movement of native resident or migratory fish or wildlife, or with established corridors.

Construction activities and use of the trail extension and recreation amenities would not affect fish species in the River. However, they could temporarily interfere with movement of terrestrial wildlife species or affect nursery sites such as bird nesting, roosting, or natal dens. Recreation use may generate noise, disturb vegetation, and create visual distractions for wildlife. The impact would be potentially significant. (Reference: FEIR Section 3.5.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Biological Resources–10) which will avoid and substantially lessen significant effects on the environment from Impact 3.5-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.5-4.

Mitigation Measure Biological Resources–10 (Wildlife Movement)

The Conservancy shall implement the following measures:

- The multiuse trail shall be located outside the riparian corridor in conformance to the buffers established in the Parkway Master Plan.
- All ground-disturbing work, including construction and routine maintenance, and routine recreational operating hours shall occur during daylight hours.
- At a minimum, dogs shall be required to be leashed at all times.

Rationale for Finding

Implementation of Mitigation Measure Biological Resources–10 (Wildlife Movement) would reduce the potential impact to less than significant because ground-disturbing work and visitor use would occur during daylight hours, and the multiuse trail would be located away from the riparian corridor to the extent possible. No additional mitigation is required.

Impact 5.11.7 Biological Resources (Alternative 5B)

Additional construction under Alternative 5B would require grading along the bluff face to achieve a 2:1 slope aspect ratio and develop the grade of the roadway and trail at maximum 10%. (See Section 3.2.9 Geotechnical and Soils.) Grading activity would remove approximately 5 mature western Sycamore trees which could support nesting birds. Although no special-status wildlife species are present along the Alternative 5B alignment, the potential exists for some of these species to be present at a future time. All native nongame birds are protected under the federal Migratory Bird Treaty Act (MBTA), which prohibits the take of birds and destruction of their nests and eggs. Nesting raptors are present in the vicinity of the site, and previous surveys have identified red-tailed hawks and an osprey nesting within a mile of the site. During the 2015 survey, an osprey and red-tailed hawk were observed flying over the site. Raptors are protected under the MBTA and could be affected by work at this site. (Reference: FEIR Section 5.11.7.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alternative 5B-Biological Resources-1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.7 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.7.

Mitigation Measure Alternative 5B-Biological Resources-1

All mature sycamore trees to be removed during construction of Alternative 5B shall be replaced at a ratio of 5 western Sycamore trees planted for every tree removed, or as otherwise required by the California Department of Fish and Wildlife (CDFW). The replacement trees shall be a minimum of 10 gallon in size and shall be planted within the project site. Irrigation shall be provided for to achieve the survival rate required by CDFW.

Rationale for Finding

Replanting the western Sycamore trees removed during construction of the roadway and trail along the bluff face would restore the tree canopy and provide nesting and roosting spots for avian species. Potential impacts would be reduced to less than significant.

CULTURAL RESOURCES

Impact 3.6-2: The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5.

Construction activities such as vegetation removal, grading, and excavation could potentially uncover and disturb site CA-FRE-980 and other buried and unrecorded archaeological deposits. The project would cause a substantial adverse change to an archaeological resource. The impact would be potentially significant. (Reference: FEIR Section 3.6.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Cultural Resources-1 through Mitigation Measure Cultural Resources-3) which will avoid and substantially lessen significant effects on the environment from Impact 3.6-2 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.6-2.

Mitigation Measure Cultural Resources-1

The Conservancy shall perform Extended Phase I subsurface testing along the alignment of the trail extension to determine the boundary of site CA-FRE-980 and identify the presence of additional archaeological deposits. The testing shall be performed before the start of any construction.

The Conservancy shall ensure that all cultural resources identified shall be evaluated for eligibility for inclusion in the CRHR [California Register of Historical Resources]. All additional testing shall be performed by individuals who meet the United States Secretary of the Interior's professional standards in archaeological history. If archaeological resources are determined to be eligible for the CRHR, and if the impacts of project construction and visitor use of the alignment render these resources as ineligible for the CRHR, the alignment shall be moved a minimum of 100 feet.

Mitigation Measure Cultural Resources-2

After completing the cultural resources investigations as described in Mitigation Measure Cultural Resources-1, and prior to commencing grading, earth work, or other disturbance of native soil, the Conservancy shall retain and enter into a service contract with a qualified professional for monitoring. The cultural resources monitor shall provide monitoring for all initial ground disturbing activities and earth disturbance on portions of the project site that have not been mined for gravel, including clearing, grubbing, tree removal, grading, trenching, stockpiling materials, rock crushing, etc. The monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The Conservancy shall provide an opportunity for an appropriate tribal monitor to also enter a service agreement to be on-site during these activities to supplement the project monitor's services for advisory purposes and to serve the tribe's interests.

Mitigation Measure Cultural Resources-3

If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.

Rationale for Finding

Implementation of Mitigation Measure Cultural Resources-1 through Mitigation Measure Cultural Resources-3 would reduce the potential impact on archaeological resources to less than significant because the Extended Phase I surface testing for site CA-FRE-980 and or other archaeological deposits would identify and avoid impacts before surface-disturbing activities begin and protect previously unknown resources if uncovered during construction.

Impact 3.6-4: The project has the potential to disturb human remains, including those interred outside formal cemeteries.

Human remains are not known to exist within the project site. However, buried human remains may be present. Construction of the trail extension could disturb human remains. The impact would be potentially significant. (Reference: FEIR Section 3.6.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Cultural Resources-2) which will avoid and substantially lessen significant effects on the environment from Impact 3.6-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.6-4.

Mitigation Measure Cultural Resources–2

If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.

Rationale for Finding

Implementation of Mitigation Measure Cultural Resources–2 would reduce the potential impact on the disturbance of human remains to less than significant. The County Coroner is the proper government official who would oversee the investigation and certification of death of human remains within the jurisdiction of Fresno County.

GEOLOGY AND SOILS

Impact 3.7-2: The project would result in substantial soil erosion or loss of topsoil.

The trail extension, parking lot, and recreational amenities would be constructed on generally level terrain. On level terrain, the impact would be less than significant. No mitigation is required. However, some activities would occur on the steep slope of the River bluff, and the impact related to erosion and loss of topsoil would be potentially significant. (Reference: FEIR Section 3.7.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Geology and Soils–1) which will avoid and substantially lessen significant effects on the environment from Impact 3.7-2 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.7-2.

Mitigation Measure Geology and Soils–1

The Conservancy shall implement the following measures:

- Grading plans and design shall be signed by a professional engineer and submitted for approval within a reasonable time frame before the start of construction.
- Construction slopes and grading shall be designed to limit the potential for slope instability and minimize the potential for erosion during and after construction.
- In developing grading and construction procedures, the stability of both temporary and permanent cut, fill, and otherwise affected slopes shall be analyzed and properly addressed.

- Development of the project site shall comply with the then-most-recent California Building Standards Code design standards and performance thresholds for construction on steep slopes to avoid or minimize potential damage from erosion.
- Where soft or loose soils are encountered during investigations, design, or project construction, appropriate measures shall be implemented to avoid, accommodate, replace, or improve such soils. Depending on site-specific conditions and permit requirements, these measures may include:
 - locating construction facilities and operations away from areas of soft and loose soil;
 - overexcavating soft or loose soils and replacing them with engineered backfill materials;
 - increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction;
 - installing material over construction access roads such as aggregate rock, steel plates, or timber mats; and
 - treating soft or loose soils in place with binding or cementing agents.
- At the beginning of each construction day, the proposed staircase and trail along the bluff slope shall be evaluated for slope stability by qualified construction staff.
- Fiber rolls shall be placed along the perimeter of the site to prevent sediment and construction-related debris and sediment from leaving the site.
- Silt fences shall be placed down-gradient of disturbed areas to slow runoff and sediment.
- During construction, slopes affected by construction activities shall be monitored by qualified construction staff and maintained in a stable condition.
- Construction activities likely to result in slope instability shall be stabilized and suspended, as necessary, during and immediately after periods of heavy precipitation when unstable slopes are more susceptible to failure.

Rationale for Finding

Implementing Mitigation Measure Geology and Soils–1 would reduce the impact to less than significant because compliance with California Building Standards Code design standards and monitoring and maintenance of controls during construction would minimize potential effects related to erosion and topsoil loss. No additional mitigation is required.

Impact 5.11.9 Geology and Soils (Alternative 5B)

Implementation of Alternative 5B would require grading along the bluff face to create the access road down to the River bottom. This route would conflict with grading standards as described in Article 14 of the Bluff Protection

Overlay District (City of Fresno 2015). The proposed grading along the bluff face for the access road would be on City-owned land and would not be exempted from the City Bluff Protection Overlay District. The Conservancy would need to apply for approval from the City for a variance. The amount of earthwork required to construct Alternative 5B would be greater than that for the project and Alternative 5B creates the need to seek a variance from the City of Fresno to address the Bluff Protection Overlay District. Potential impacts of Alternative 5B on geology and soils would be potentially significant. (Reference: FEIR Section 5.11.9.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Geology-1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.9 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.9.

Mitigation Measure Alt 5B-Geology-1

The Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.

Rationale for Finding

Implementation of Mitigation Measures Alternative 5B-Geology-1 would reduce the impact to less than significant because the Conservancy would not construct the access road or stairway on the bluff until that time a variance from the requirements is obtained. Conservancy will also prepare the required geology and soils report to document that construction of the facility would not destabilize the slope face.

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.9-7: The project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Equipment used for trail construction and ongoing maintenance at the project site could emit sparks, which could increase the wildland fire hazard. The presence of recreational visitors could also increase risks. Therefore, the impact would be potentially significant. (Reference: FEIR Section 3.9)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hazards and Hazardous Materials-1 through Mitigation Measure Hazards and Hazardous Materials-6) which will avoid and substantially lessen significant effects on the environment from Impact 3.9-7 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.9-7.

Mitigation Measure Hazards and Hazardous Materials-1

Safe access for emergency and wildland fire suppression equipment and civilian evacuation shall be provided at three entrance points and throughout the site on the paved trail system. Response agency-approved emergency responder access locks shall be maintained on all gates.

Mitigation Measure Hazards and Hazardous Materials--2

Signs shall be posted that clearly indicate entrances and egresses for the multiuse trail (e.g., Perrin Avenue entrance, West Riverview Drive entrance), to minimize delay in response times to any wildfires that may occur.

Mitigation Measure Hazards and Hazardous Materials--3

Any internal combustion engine that uses hydrocarbon fuels shall not be used on any grass- or brush-covered lands unless the engine is equipped with a spark arrester. All vehicles and construction equipment shall be equipped with an improved muffler.

Mitigation Measure Hazards and Hazardous Materials--4

Signage containing the following or equally effective language shall be placed at all trail access points:

Wildland fires destroy habitat and can threaten lives and structures—be fire safe! The following prohibitions apply throughout the trail area:

- (a) No open fires, campfires, or fireworks.
- (b) No burning of any trash, vegetation, brush, stumps, logs, fallen timber, or any other flammable material.
- (c) Portable barbecues or grills may not be used.
- (d) No smoking.

Mitigation Measure Hazards and Hazardous Materials--5

The Conservancy shall maintain a fire-defensible firebreak or comply with the standards in the City of Fresno's weed abatement/fire prevention ordinance by annually disking or mowing at the site. The shoulders of developed trails shall also be mowed or disked no less often than annually. Ladder fuels and fuel loads shall be evaluated periodically and management measures such as trimming and fuel reduction activities shall be implemented in public use areas.

Mitigation Measure Hazards and Hazardous Materials--6

Before the start of construction, a fire prevention plan for construction activities shall be prepared and implemented in coordination with the appropriate emergency service and/or fire suppression agencies of the applicable local or State jurisdictions. The plan shall describe fire prevention and response methods, including fire precaution, requirements for spark arrestors on equipment, and suppression measures that are consistent with the policies and standards of the affected jurisdictions. If heavy equipment is used for construction during the dry season, a water truck shall be maintained on the construction site. Materials and equipment required to implement the fire prevention plan shall be available on-site. Before construction begins, all construction personnel shall be trained in fire safety and informed of the contents of the fire prevention plan.

Rationale for Finding

Implementation of Mitigation Measures Hazards and Hazardous Materials–1 through Hazards and Hazardous Materials–6 would reduce the potential impact to less than significant because the Conservancy would provide appropriate emergency access and signage; would prohibit open burning and the use of barbeque grills; would perform annual and periodic fire prevention activities; would require all construction and maintenance equipment to be properly equipped with spark arrestors; and would prepare and implement a fire prevention plan for construction activities. No additional mitigation is required.

Impact 5.11.11: Hazards and Hazardous Materials (Alternative 5B)

Alternative 5B involves construction on land that was an open dump and landfill on private land under the name Kepco in the 1950s. The presence of the known contaminants in the Kepco-Pinedale Landfill represents a Recognized Environmental Condition. Constructing a paved pedestrian/bicycle pathway and a new parking lot at the base of the road, under Alternative 5B could expose construction workers and members of the public to hazardous materials (gases such as methane and volatile organic compounds such as vinyl chloride and benzene). Furthermore, construction activities at former landfill areas could disturb drainage patterns or disturb cover, which could cause or allow the landfill materials to become wet. Over time, this condition would increase the potential for the presence of explosive and flammable gases and possible leachate movement and accumulation. Additionally, disturbed landfill soils could become mobilized, causing potential human health and pollution issues. Due to the proximity to the Kenpo-Pinedale Disposal Site construction at the location of the parking lot may potentially encounter landfill materials and present a potential hazard from unstable soils that may be unsuitable for use as a base material. Therefore, the impact of Alternative 5B from hazards related to project construction and operation would be potentially significant. (Reference FEIR Section 5.11.11.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Hazards and Hazardous Materials–1 and Measure Alt 5B -Hazards and Hazardous Materials–2) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.11 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 5.11.11.

Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-1

Consistent with State of California procedures and in conjunction with the Conservancy’s real property acquisition process, the Conservancy will obtain:

1.0 A Phase II Environmental Site Assessment prepared by a licensed environmental professional and performed to ASTM standards (ASTM E1903-11) at the locations of the proposed paved pedestrian/bicycle path (adjacent to the existing access road) and new parking area and associated facilities (at the base of the existing access road). Testing shall include sampling of soil and groundwater for constituents of concern such as volatile organic compounds, along with vapor monitoring for ambient air emissions of constituents such as methane. Laboratory results shall be presented and summarized in a report, which shall be submitted to the County of Fresno Department of Public Health. The report shall recommend specific additional site investigation needs if appropriate, remedial activities to clean up the property, and any project design

features that are necessary to assure human and environmental health and safety with the implementation of Alternative 5B;

2.0 Any further site investigations recommended as part of the Phase II Environmental Site Assessment; and

3.0 A post closure land use plan prepared in compliance with 27 CCR Sections 20950–21420. As required by Section 21190, the post closure land use shall be designed and maintained to:

- protect public health and safety and prevent damage to structures, roads, utilities, and gas monitoring and control systems;
- prevent public contact with waste, landfill gas, and leachate; and
- prevent landfill gas explosions.

The land use plan would be submitted to the County of Fresno Department of Public Health and the Central Valley RWQCB for review and approval. Upon approval, the plan shall be implemented before the Conservancy acquires the land for the Parkway project.

After real property acquisition, and in conjunction with final design of Alternative 5B, the Conservancy will develop the design to avoid or minimize locating the planned pedestrian/bicycle path, proposed parking lot, and amenities on the landfill material and will ensure consistency with the approved post closure land use plan.

Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-2

A worker health and safety plan shall be prepared before the start of construction activities within the Alternative 5B project site. The plan shall identify, at a minimum:

- the potential types of contaminants that could be encountered during construction activity;
- all appropriate equipment and procedures to be used during project activities to protect workers, public health, and the environment;
- emergency response procedures;
- the most direct route to the nearest hospitals; and
- an on-site safety officer.

The plan shall describe actions to be taken should hazardous materials be encountered during construction, including protocols for handling hazardous materials and preventing their spread, and procedures for notifying local and/or State regulatory agencies in case of an emergency. The plan shall specify that if evidence of hazardous materials contamination is observed or suspected during site preparation or construction through either obvious or implied measures (i.e., stained or odorous soil or groundwater), construction activities shall immediately cease in the area of the find. A qualified hazardous materials

specialist shall assess the site and collect and analyze soil and/or groundwater samples, if needed. If the samples identify contaminants, the Conservancy shall employ measures in accordance with federal and State regulations, or shall coordinate with the landowner or other responsible party to employ such measures, before construction activities can resume at the site.

Rationale for Finding

Implementation of Mitigation Measures Alt. 5B–Hazards and Hazardous Materials-1, and Alt. 5B–Hazards and Hazardous Materials-2 would reduce the potential impact related to human health and environmental hazards from construction at the former Kepco Pinedale Landfill to less than significant because any necessary remedial activities would occur before the property was acquired for public use; a worker health and safety plan would be implemented should contaminated soil or groundwater be encountered; and a post closure land use plan approved by regulatory agencies would be implemented.

HYDROLOGY AND WATER QUALITY

Impact 3.10-1: The project would violate water quality standards or waste discharge requirements.

Temporary stockpiles and hazardous materials, such as fuels, paints, and oils, may be stored in construction staging areas and could be subject to flooding should a 100-year flood event occur during construction. Discharges of these construction materials and contaminants to receiving waters during storms would degrade water quality and could lead to short-term impacts on fish and other aquatic life in the River. The impact would be potentially significant.

Implementing project design features and Parkway Master Plan policies would reduce long-term impacts on water quality, but impacts of urban contaminants from parking lot runoff and waste products from equestrian use and vault toilets would remain. The impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality–1 through Mitigation Measure Hydrology and Water Quality–3) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-1 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.10-1.

Mitigation Measure Hydrology and Water Quality–1

Construction staging areas, including hazardous-material storage areas and temporary stockpiles, shall be located outside the 100-year floodplain and designated floodway and away from drainages. Appropriate BMPs shall be implemented to ensure that runoff from these areas does not directly flow to surface waters. Before construction begins, locations for storage of hazardous materials, temporary stockpiles, and demolition debris piles within staging areas shall be designated outside the 100-year floodplain and designated floodway and away from drainages. Major storage and stockpile areas shall be designated in the SWPPP [Storm Water Pollution Prevention Plan], as required for NPDES [National Pollutant Discharge Elimination System] General Permit coverage for construction. Stockpile areas shall be identified in the SWPPP and appropriate BMPs shall be installed accordingly. The mitigation shall be implemented before any ground disturbance and shall continue throughout construction, as conditions require.

Mitigation Measure Hydrology and Water Quality-2

The project design shall include structural BMPs for project operation to reduce and treat post construction stormwater runoff from the proposed parking lot and other impervious features. The runoff shall be treated through the use of detention basins or other means before it reaches on-site surface waters, wetlands, and the River. The selected BMPs shall minimize the velocity of stormwater flows and disperse the flows to the extent practicable. The selected BMPs also shall serve to infiltrate, filter, store, evaporate, and detain runoff close to its source, and shall enhance on-site recharge of groundwater. The structural BMPs shall be designed in accordance with applicable local and State regulations. BMPs such as bioswales, surface sand, other media filters, vegetated filter strips, and detention basins may be implemented to treat, detain, and percolate stormwater runoff. The mitigation shall be implemented before project designs are finalized.

Mitigation Measure Hydrology and Water Quality-3

The proposed equestrian trails shall be sited, graded, and constructed consistent with Policy RDP11 of the Parkway Master Plan. The equestrian trail and staging area shall drain to detention swales, with no direct discharges to on-site waters or the River. Signage shall be posted, animal waste containers shall be provided, animal waste removal procedures shall be implemented, and the site shall be inspected periodically to determine the effectiveness of the measures. Vault toilets shall be cleaned daily and waste periodically trucked off-site for treatment.

Rationale for Finding

Implementation of BMPs as described in BMPs GEO-1, GEO-2, and HYDRO-2 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measures Hydrology and Water Quality-1 through Hydrology and Water Quality-3, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-3: The project would substantially alter existing drainage patterns, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

Preconstruction, construction, and postconstruction BMPs would be implemented during all project phases to limit discharge of pollutants in stormwater runoff. The impact of construction would be less than significant. No mitigation is required. However, impervious/paved surfaces would be added and other project components would be placed adjacent to or within the designated floodway and 100-year floodplain. Therefore, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality-4 and Mitigation Measure Hydrology and Water Quality-5) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-3 identified in the FEIR. Specifically, the following mitigation measures are feasible and are adopted to mitigate significant effects from Impact 3.10-3.

Mitigation Measure Hydrology and Water Quality-4

For improvements that require an encroachment permit and approval from the CVFPB [Central Valley Flood Protection Board], drainage and hydromodification studies shall be performed to evaluate and avoid modifications that would increase flooding in upstream or downstream areas, or that would cause obstructions during flood events. A professional civil engineer shall:

- conduct a drainage and hydromodification study evaluating the location of all existing and proposed drainage features;
- perform stormwater calculations for surface drainage flows occurring before and after project construction;
- evaluate the potential for drainage and floodplain modifications to increase erosion on adjacent properties; and
- determine the base flood elevation before and after construction, so that no net displacement of floodwaters shall occur.

As necessary, the filling of floodplain or floodway areas below the base flood elevation shall be compensated for and balanced by excavation of a hydraulically equivalent area, taken from below the base flood elevation, to achieve no net increase in the base flood elevation greater than 0.10 foot, as measured at the property lines of the parcels being developed. The Conservancy shall perform hydraulic studies in accordance with applicable floodplain management regulations, prepare an encroachment permit application, and obtain an encroachment permit before construction begins.

Mitigation Measure Hydrology and Water Quality-5

Mitigation Measure Hydrology and Water Quality-2 shall be implemented as described above, to prevent and reduce potential alterations to drainage patterns that can result in erosion or siltation.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality-4 and Mitigation Measure Hydrology and Water Quality-5, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-4: The project would substantially alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

See Impact 3.10-3 for a discussion of temporary and long-term impacts associated with alteration of drainage patterns. The temporary impact related to increases in surface runoff would be less than significant. However,

because of alteration of the drainage pattern that could result in changes in flooding, the long-term impact of the project would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality-6) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-4 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-4.

Mitigation Measure Hydrology and Water Quality-6

Mitigation Measures Hydrology and Water Quality-2, Hydrology and Water Quality-4, and Hydrology and Water Quality-5 shall be implemented as described above.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality-6, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-5: The project would create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or would provide substantial additional sources of polluted runoff.

See Impact 3.10-1 for a discussion of effects on water quality from polluted runoff generated during project construction. The temporary impact would be potentially significant. See Impact 3.10-1 for a discussion of water quality effects from polluted runoff during project operation. The runoff generated by the impervious surfaces could generate additional sources of polluted runoff, and thus, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality-7) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-5 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-5.

Mitigation Measure Hydrology and Water Quality-7

Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce pollutants in runoff from project construction and postconstruction activities.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality-7, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-6: The project would otherwise substantially degrade water quality.

Temporary and long-term water quality effects would be the same as described in Impact 3.10-1. The project would not degrade water quality beyond what is described in Impact 3.10-1. However, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality-8) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-6 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-6.

Mitigation Measure Hydrology and Water Quality-8

Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce project-related degradation of water quality.

Rationale for Finding

Implementation of BMPs as described in BMP GEO-1 and required by the NPDES permit, together with implementation of applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality-8, would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 3.10-8: The project would place structures within a 100-year flood hazard area that would impede or redirect flood flows.

If construction equipment, stockpiles, and other building materials were staged on the floodplain in the vicinity of the residences and a 100-year flood event were to occur during construction, flood flows could be redirected onto these properties. Because of the potential for a 100-year flood event to occur during project construction, the impact would be potentially significant. As described previously, the placement of impervious surfaces for the multipurpose trail, parking lot, and recreation amenities could alter hydrologic and floodplain functions. In accordance with Parkway Master Plan policies and regulatory requirements, new structures and other project components would be designed to avoid net displacement of floodwaters, obstructions to flood flows, or placement within the floodplain of improvements that may come loose and become obstructions or pose a safety hazard. However, the impact would be potentially significant. (Reference: FEIR Section 3.10.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Hydrology and Water Quality-9) which will avoid and substantially lessen significant effects on the environment from Impact 3.10-8 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.10-8.

Mitigation Measure Hydrology and Water Quality-9

Mitigation Measure Hydrology and Water Quality-4 shall be implemented to reduce potential impacts from flood hazards.

Rationale for Finding

Implementation of BMPs, applicable policies of the Parkway Master Plan, other regulatory requirements, and Mitigation Measure Hydrology and Water Quality-9 would reduce the potential impact to less than significant. No additional mitigation is required.

Impact 5.11.12: Hydrology and Water Quality (Alternative 5B)

The area of disturbance and paved surfaces for Alternative 5B would be greater than that of the proposed project and the access road under this alternative would be constructed on a steep, erodible slope. Alternative 5B includes project features located in an area that was formerly used for the Kepco Pinedale Landfill. A plume of groundwater contaminated with trichloroethylene, polychlorinated biphenyls, and chloroform is situated below the residential development on the bluffs, near the intersection of Nees and Palm avenues. The soils near the groundwater plume may also be contaminated. Disturbing the soil during construction could mobilize sediments laced with contaminants of concern, resulting in a health hazard and a potential source of polluted sediment that could enter receiving waters. Construction near the former landfill could disturb drainage patterns, or could disturb vegetative cover, which could cause or allow the landfill materials to become wet, thereby increasing the potential for possible leachate releases over time. The impact would be potentially significant.

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Hydrology and Water Quality-1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.12 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.12.

Mitigation Measure Alt. 5B-Hydrology and Water Quality-1

Before any surface-disturbing construction begins, the Conservancy shall implement Mitigation Measure Alt. 5-Hazards and Hazardous Materials-1, requiring completion of a subsurface assessment, avoidance, and post closure plan (if required) for land within and adjacent to the alignment of the access road, multiuse trail, and parking lot, to determine the presence of contaminants of concern. The assessment shall be completed along the face of the slope adjacent to the trail and access road alignment. If contaminants of concern are present, the area shall be remediated as recommended in the assessment and as required by regulatory agencies. In addition, the Conservancy shall implement Mitigation Measure Alt. 5-Hazards and Hazardous Materials-2, requiring preparation of a worker health and safety plan.

Rationale for Finding

Implementation of Mitigation Measure Alt. 5B- Hydrology and Water Quality-1 would reduce the potential temporary impact on water quality associated with the former and fills to less than significant because a post closure land use plan approved by regulatory agencies would be implemented to remediate any hazards before the start of earthmoving activities, and a worker health and safety plan would be implemented should any contaminated soil or groundwater be encountered. No additional mitigation is required.

LAND USE

Impact 5.11.13: Land Use and Planning (Alternative 5B)

Alternative 5B would alter the face of the bluff with an access road traveling 62 vertical feet and requiring the removal of over 17,000 cubic yards of soil. Alternative 5B may also be found inconsistent with the grading standards as described in Article 16 of the Bluff Protection Overlay District (City of Fresno 2015). Section 15-1603 of the overlay limits alteration of the bluff face. Measures would be required to provide for slope stabilization and erosion control including drainage swale, and the Conservancy must apply for a variance from the City's policy. This is considered to be a potentially significant impact.

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Alt 5B-Land Use-1) which will avoid and substantially lessen significant effects on the environment from Impact 5.11.13 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 5.11.13.

Mitigation Measure Alternative 5B-Land Use-1

In accordance with Mitigation Measure Alternative 5B-Land Use 1, the Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.

Rationale for Finding

Implementation of Mitigation Measure Alternative 5B-Land Use-1 would reduce the impact to less than significant because the Conservancy would not construct the access road or stairway on the bluff until such time that a variance from the requirements is obtained from the City. The Conservancy will also prepare the required geology and soils report to document that construction of the facility would not destabilize the slope face. In order to implement Alternative 5B, additional property and easement rights would need to be acquired by a public agency from willing landowners and at mutually agreeable terms.

NOISE

Impact 3.13-1: The project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The temporary impact from construction noise, although exempt from the City's Noise Ordinance, would be potentially significant. Operation of the project for recreational use would not expose visitors or receptors to noise levels in excess of standards. The resulting noise levels would meet standards for the area and adjacent uses. The operational impact would be less than significant. No mitigation is required. (Reference: FEIR Section 3.13.)

Finding. The Conservancy finds that changes or alterations have been incorporated into the project (Mitigation Measure Noise-1) which will avoid and substantially lessen significant effects on the environment from Impact 3.13-1 identified in the FEIR. Specifically, the following mitigation measure is feasible and is adopted to mitigate significant effects from Impact 3.13-1.

Mitigation Measure Noise-1

The plans, specifications, and bid documents for each construction project shall include noise control measures to reduce noise impacts to the extent feasible. The measures shall include the following:

- The project shall be designed to meet the City of Fresno's standards for nonscheduled, intermittent, short-term operations of mobile construction equipment (e.g., backhoes, bulldozers, motor graders, and scrapers), and the noise standards for repetitively scheduled and relatively long-term construction operation of stationary equipment (e.g., compressors and generators).
- Muffled construction equipment shall be used whenever possible.
- Impact noise associated with construction shall be minimized by using noise control techniques, procedures, and acoustically treated equipment. For example, when practical, bins used to transport excavated material, including rocks and debris, could be constructed of nonmetallic liner to reduce impact noise; similarly, dump trucks could have resilient bed liners installed to minimize impact noise.
- Construction hours shall be restricted to meet City of Fresno standards, which restrict hours of construction to between 7 a.m. and 9 p.m., Monday through Saturday, and prohibit activity on Sundays and federal holidays.

Rationale for Finding

Implementation of Mitigation Measure Noise-1 would reduce the potential temporary impact to less than significant because the Conservancy and its contractor would use muffled construction equipment and construction would occur between 7 a.m. and 9 p.m., Monday through Saturday. No additional mitigation is required.

FINDING ON PROPOSED MITIGATION

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, Alternative 5B as summarized above, which avoid or substantially lessen the significant environmental effects as identified in the FEIR.

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

As described in Volume I, Chapter 5, Section 5.11 and Chapter 3 of the Final EIR, Alternative 5B would involve multiple potentially significant impacts. However, with the implementation of BMPs that have been incorporated into the project design (refer to Section 2.5.2, "Best Management Practices," in Volume I of the FEIR) and with implementation of specific proposed mitigation measures where needed (e.g., for biological resources and aesthetic and visual resources summarized above), all potentially significant impacts associated with implementation of Alternative 5B would be avoided or reduced to less-than-significant levels. Therefore, there are no significant and

unavoidable impacts that require a “statement of overriding considerations” pursuant to State CEQA Guidelines Section 15093.

FINDINGS RELATED TO CUMULATIVE IMPACTS

Alternative 5B would not result in a cumulatively significant incremental contribution to a significant cumulative impact in any resource area that cannot be mitigated in a manner that would substantially lessen the environmental impact to less-than-significant levels. Please refer to Chapter 4, “Other CEQA Requirements” and Section 5.11.21 in Chapter 5 in Volume I of the FEIR for a comprehensive discussion of cumulative impacts.

MITIGATION MONITORING

An MMRP was prepared for Alternative 5B, and will be adopted in Resolution No. 17-02(Alt. 5B) [see PRC Section 21081.6(a)(1) and State CEQA Guidelines Section 15097] along with adoption of these Findings. The Conservancy will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 4.7, “Other CEQA Considerations,” in Volume I of the FEIR examines “significant irreversible environmental changes” pursuant to Section 15126.2(c) of the State CEQA Guidelines.

Implementation of the project would result in the short-term commitment during construction activities of natural resources including sand and gravel, asphalt, steel, copper, lead, other metals, and water. As the project site is developed, recreation use would require further commitment of energy resources in the form of an increase in motor vehicle travel. The resource commitments are irreversible environmental changes.

GROWTH INDUCEMENT

In an EIR, lead agencies are required to discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment [State CEQA Guidelines Section 15126.2(d)]. A project could have growth-inducing effects in a number of ways. For example, the project may include an improvement that eliminates an obstacle to development on adjacent properties. A project could stimulate activities in the local economy that, in turn, leads to physical changes that could have environmental ramifications. Growth and development in and of itself is not necessarily detrimental, beneficial, or of significant consequence and is an environmental effect, but it can lead to environmental effects. These environmental effects may include increased demand on other services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open space land to urban uses, or other adverse impacts.

Section 4.3, “Growth-Inducing Impacts,” in Volume I of the FEIR examined growth-inducing impacts, pursuant to CEQA Section 21100(b)(5) and Section 15126.2(d) of the State CEQA Guidelines. Alternative 5B would not influence the rate, location, and amount of growth; would not foster economic or population growth; would not remove obstacles to population growth; and would not allow or encourage growth that otherwise would not have occurred if the project were not built. Therefore, the project would not be growth inducing. No impact would occur.

ENVIRONMENTAL JUSTICE CONSIDERATIONS

Section 4.2, "Environmental Justice Considerations," and Section 5.11.22 in Volume I of the FEIR assessed the potential for disproportionate (environmental justice) effects for Alternative 5B consistent with the Conservancy's commitment to the fair-treatment principles and policies of the State. The potential environmental impacts of Alternative 5B for each specific resource area are described in detail in Volume I, Chapter 5, Section 5.11, which references and incorporates Chapter 3 of the FEIR and the potential cumulative impacts in Section 4.1. Those sections found no significant and unavoidable impacts in any resource area. Alternative 5B's additional parking lot accessed at Palm and Nees Avenues would result in slightly more potential environmental impacts than the proposed project without the additional parking lot and entrance. For air quality, construction-related and operational emissions are slightly higher than the proposed project, but these impacts remain less than significant with no mitigation required. Alternative 5B also results in additional short-term temporary increases ambient noise levels due the additional construction required for the added roadway, parking lot, and facilities, but this impact is reduced to less than significant levels with Mitigation Measure Noise-1. Overall, based on the environmental impacts analysis for Alternative 5B, the FEIR found Alternative 5B does not have the potential to result in a disproportionately high and adverse environmental effect on disadvantaged communities.

Section 4.2 and Section 5.11.22 also assessed the extent to which Alternative 5B would provide a beneficial impact to socioeconomic conditions in the area. Alternative 5B has the potential to increase access to the project for all residents of Fresno, including from disadvantaged communities. The FEIR found that access to the project from disadvantaged communities would most likely occur by private vehicle because transit options are limited and most disadvantaged communities in Fresno are not within walking or bicycle distance of the project. The proposed entrance at Perrin Avenue is near a currently used informal vehicular access point at the gate of the existing Lewis S. Eaton Trail, which the project extends down-river to the west. While the proposed project does improve vehicular access to the River Parkway trail system with the addition of this proposed 50 space parking lot, that access point from the Fresno side requires travel north along SR 41 to Children's Boulevard, then travel south along Blackstone Avenue, the SR 41 East Frontage Road. By adding another vehicular access point at Palm and Nees Avenues, Alternative 5B could improve public access to the project for disadvantaged communities by providing a more convenient access point utilizing surface roadways near the project. Not requiring the additional travel up SR 41 may help reduce barriers to access for disadvantaged communities in Fresno, including those in central, southeast and west Fresno, and help ensure the benefits of the project, in terms of equitable access to parks and greenspaces, is shared equitably within the community.

ENERGY

Alternative 5B does not include development of new buildings. The project is required to comply with applicable portions of the 2010 California Green Building Code (California Code of Regulations Title 24, Part 11), which was developed to enhance the design and construction of buildings and sustainable construction practices through planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality. Alternative 5B would not generate an increase in demand for electricity and natural gas relative to existing or future electrical and natural gas consumption. The project proposes smart lighting with motion detector sensors and LED lights. This impact would be less than significant. No mitigation is required.

Project-generated vehicle trips would not be expected to cause queuing and related congestion; however, the use of the study area is not expected to significantly increase beyond capacity. Therefore, the effects associated with petroleum consumption would be less than significant. In addition, with implementation of the 2010 California Green Building Code, the proposed project would not cause the inefficient, wasteful, or unnecessary consumption of energy. This impact would be less than significant. No mitigation is required.

VI FINDINGS ON PROJECT ALTERNATIVES

An agency must make one or more findings listed in PRC Section 21081 and State CEQA Guidelines Section 15091 for each significant impact associated with a proposed project. If a project will result in significant environmental impacts that will not be avoided or substantially lessened after the adoption of all feasible mitigation measures, the agency must consider any project alternatives that are environmentally superior and find that they are “infeasible” within the meaning of CEQA [PRC Section 21080(a)(3); State CEQA Guidelines, Section 15091(a)(3)].

This findings requirement follows the policy of CEQA stated in PRC Section 21002, which states: “[It] is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives *or* feasible mitigation measures available which would substantially lessen the significant environmental effects...” [emphasis added]. An agency is not required to make findings rejecting alternatives described in an EIR when it finds that all of the significant adverse environmental impacts will be avoided or substantially lessened to a less-than-significant level with the adoption of mitigation measures. [See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490, citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 379, citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402 and *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521.]

ALTERNATIVES CONSIDERED IN THE EIR

Based on the entire record, the Conservancy finds that the FEIR identified and considered a reasonable range of feasible alternatives to the proposed project that are capable, to varying degrees, of reducing the identified significant adverse environmental impacts or could potentially increase the benefits of the project.

Six action alternatives and a no project alternative are evaluated in the FEIR. The basis for selecting each alternative to analyze each in the EIR is provided below. (Reference: FEIR, Chapter 5.)

- ▶ Alternative 1, “Added Parking,” was developed to provide greater, more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity. Alternative 1 is an additional on-site alternative that includes the project as described in Section 2.4, “Project Alternatives,” and would provide an additional public entrance at Riverview Drive and parking area near the midpoint of the trail.
- ▶ Alternative 2, “Bluff Trail Alignment,” was developed to reduce the circuitous alignment of the proposed trail and to reduce potential impacts on riparian habitat and disturbance to nearby residences on the floodplain. Alternative 2 includes the same project improvements as the proposed project, but the trail alignment is closer to the base of the bluffs.

- ▶ Alternative 3, “River’s Edge Trail Alignment,” was developed to provide multiuse trail access close to the river and to possibly reduce the potential effects of wildland fires on the residences located on the bluffs. Alternative 3 includes the same project improvements as the proposed project, but the trail alignment in the western portion of the site follows the riverbank. A bridge or crossing is required for a breach in the riverbank.
- ▶ Alternative 4, “No Parking,” was developed to address the potential effects of parking at the project site including noise, vehicle traffic, and effects on safety. Alternative 4 would include the trail extension, but would not provide a parking area on-site.
- ▶ Alternative 5, “Palm and Nees Access,” was developed to provide greater, more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities; and to provide more parking capacity. In accordance with State CEQA Guidelines Section 15126.6(f)(2), Alternative 5 is an added off-site alternative and includes the project as described in Section 2.4, “Project Description.”
- ▶ Alternative 5B, “North Palm Avenue Access,” was developed to provide additional options for addressing more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity. Alternative 5B would provide an additional entrance proceeding from North Palm Avenue through Spano Park with a new access road descending the bluff, and an additional parking area located to the west of the project study area. In accordance with State CEQA Guidelines Section 15126.6(f)(2), Alternative 5B is an added off-site alternative and includes the project as described in Section 2.4, “Project Description.”
- ▶ Alternative 6, the No Project Alternative, is included in accordance with Section 15126.6(e)(3)(B) of the State CEQA Guidelines. Analysis of this alternative considers the effects if the project were to not proceed, and if no trail extension, parking, or recreational amenities were constructed.

FINDINGS

The Conservancy finds that changes or alterations have been required in, or incorporated into Alternative 5B as summarized above, pursuant to State CEQA Guidelines Section 15091(a)(1), which avoid or substantially lessen the significant environmental impacts identified in the FEIR. Because there are no significant environmental impacts that will not be avoided or reduced to less-than-significant levels after the adoption of all the identified feasible mitigation measures, the Conservancy is not required to consider and reject the project alternatives described above pursuant to PRC Section 21080(a)(3) and State CEQA Guidelines Section 15091(a)(3).

SAN JOAQUIN RIVER CONSERVANCY
RIVER WEST FRESNO, EATON TRAIL EXTENSION PROJECT
CEQA MITIGATION MONITORING AND REPORTING PROGRAM
ALTERNATIVE 5B
DECEMBER 13, 2017

TABLE OF CONTENTS

Section	Page
MITIGATION MONITORING AND REPORTING PROGRAM	3
California Environmental Quality Act Requirement	3
Purpose of Mitigation Monitoring and Reporting Program.....	3
Roles and Responsibilities	3
Changes to Mitigation Measures	3
Support Documentation	4
 Table	
MITIGATION MONITORING AND REPORTING PROGRAM RIVER WEST FRESNO EATON TRAIL EXTENSION	
EIR	5

MITIGATION MONITORING AND REPORTING PROGRAM

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENT

Where a California Environmental Quality Act (CEQA) document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the River West Fresno, Eaton Trail Extension Project (Alternative 5B), as set forth in the Final Environmental Impact Report (FEIR).

The San Joaquin River Conservancy (Conservancy) is the Lead Agency that must adopt the MMRP for development and operation of the project. This report will be kept on file with San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727.

The CEQA Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any of portion of the project, as identified in the FEIR.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP is intended to be used by Conservancy staff and others responsible for project implementation.

This document identifies the individual mitigation measures, the party responsible for monitoring implementation of the measure, the timing of implementation, and space to confirm implementation of the mitigation measures.

ROLES AND RESPONSIBILITIES

The Conservancy will oversee monitoring and documenting the implementation of mitigation measures. The project applicant or its construction contractor is responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures also will require that the Conservancy coordinate or consult with one or more other public agencies in implementing mitigation measures specified herein.

CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP is required to be reported in writing. Modifications to the mitigation measures may be made by the Conservancy, subject to one of the following findings, and documented by evidence included in the public record:

- ▶ The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in environment conditions, or other factors.

OR,

- ▶ The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,
- ▶ The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the proposed project; and,
- ▶ The modified or substitute mitigation measures are feasible, and the Conservancy, through measures included in the MMRP or other City procedures, can ensure implementation.

SUPPORT DOCUMENTATION

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with this MMRP and shall be made available to the public upon request.

This MMRP will be kept on file at:

San Joaquin River Conservancy
5469 E. Olive Avenue
Fresno, CA 93727.

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed

3.2. Aesthetics

Mitigation Measure Aesthetics and Visual Resources-1 The Conservancy shall use native plants for landscaping portions of the trail extension to allow for naturalization of these features. Landscaping and recreation facilities shall be designed to create visual buffers and in a manner complementary and/or compatible with the scenic nature of the area. Newly landscaped vegetation shall be irrigated until permanently established. The Conservancy shall select materials and colors for all facilities (e.g., vault toilet restrooms) that shall be compatible with the surrounding natural environment.	Project design and construction	Conservancy		
Mitigation Measure Aesthetics and Visual Resources-2 The Conservancy shall implement Mitigation Measure Aesthetics and Visual Resources-1.	Project design and construction	Conservancy		
Mitigation Measure Aesthetics and Visual Resources-3 The Conservancy shall implement the following measures regarding lighting design features: <ul style="list-style-type: none"> • All outdoor lights shall be fully shielded with full cutoff luminaires. • All up-lighting for any purpose shall be avoided. • Tree-mounted lights shall be avoided unless they are fully shielded and pointing downward toward the ground or shining into dense foliage. 	Project design and construction	Conservancy		

3.5 Biological Resources

Mitigation Measure Biological Resources-1 (Special-Status Plant Species) Before any ground-disturbing activities, a qualified botanist shall conduct a botanical survey for California satintail and Sanford's arrowhead during their respective floristic periods (September to May and November to May). If it is determined that suitable habitat for special-status plants is present, the botanist shall conduct a focused survey for special-status plants during the appropriate time of the year to adequately identify special-status plants that could occur in the study area. The surveys will be performed according to the <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities</i> (DFG 2009). Surveys shall be performed before the final	Prior to construction	Conservancy		
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December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 5

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<p>alignment has been established to avoid special-status plants, and if the species are present before the start of construction as well.</p> <p>One or more of the following measures shall be implemented to avoid and/or minimize impacts on sensitive natural communities and special-status plants as appropriate, per the botanist's recommendation:</p> <ul style="list-style-type: none"> • Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural communities to be protected. Clearly mark all such areas to be avoided on construction plans and designate these areas as "no construction" zones. • Allow adequate buffers around plants or habitat; show the location of the buffer zone on the maintenance design drawings. Mark this exclusion zone in the field with stakes and/or flagging so that it is visible to maintenance personnel, without causing excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing). • Time construction or other activities during dormant and/or noncritical life cycle period. • Limit the operation of construction equipment to established roads wherever possible. 				
<p>Mitigation Measure Biological Resources-3 (American Badger)</p> <p>The Conservancy shall conduct a preconstruction survey no less than 14 days and no more than 30 days before the beginning of ground-disturbing activities. If active American badger den sites are present, the Conservancy shall consult with CDFW and implement the following measures:</p> <ul style="list-style-type: none"> • The entrances to dens shall be blocked for 3–5 days to discourage use. • After the 3- to 5-day period, the dens shall be hand-excavated with a shovel to prevent reuse during construction. • No disturbance of active dens shall take place when cubs may be present and dependent on parent care. 	Prior to Construction	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 6

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Mitigation Measure Biological Resources-4 (Avian Species) If project-related construction must occur during the breeding season (February through mid-September), the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-5 (Bald Eagle) Before initiating ground-disturbing activities, the Conservancy shall have preconstruction surveys performed for bald eagle nesting habitat and roost sites and foraging areas along the River within 2 miles of the project. Surveys shall be conducted in accordance with the CDFW <i>Bald Eagle Breeding Survey Instructions</i> (DFG 2010) or current guidance. If an active eagle's nest is found within 0.5 mile of the project, construction shall not occur during the breeding season, typically January through July or August. If project-related construction must occur during the breeding season, the Conservancy shall have surveys performed for active nests no more than 30 days before commencing project-related activities. The surveys shall be conducted by a qualified biologist. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended, a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or the biologist determines that the nest is no longer active. The results of the preconstruction survey and any subsequent monitoring shall be provided to CDFW.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-6 (Burrowing Owl) The Conservancy shall implement the following measures before initiating ground-disturbing activities:	Prior to and ongoing during construction	Conservancy		

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<ul style="list-style-type: none"> • Focused surveys shall be conducted following the survey methodology developed by the California Department of Fish and Game (now CDFW) <i>Staff Report on Burrowing Owl Mitigation</i> (DFG 2012). • If burrowing owls are found within the project footprint as a result of the required surveys, the recommendations of the <i>Staff Report on Burrowing Owl Mitigation</i> (DFG 2012) are mandatory; avoiding nesting sites must include implementation of no-disturbance buffer zones, unless a qualified biologist approved by CDFW verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. • If burrowing owls must be removed, passive relocation is required during the nonbreeding season. A burrowing owl relocation plan to be approved by CDFW shall be developed and implemented, including passive measures such as installing one-way doors in active burrows for up to 4 days, carefully excavating all active burrows after 4 days to ensure that no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. Replacement of burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) is required. 				
<p>Mitigation Measure Biological Resources-7 (Swainson's Hawk)</p> <p>The Conservancy shall implement the following measure before construction starts:</p> <ul style="list-style-type: none"> • To avoid impacts on Swainson's hawks, no construction project shall occur between March 1 and August 31 unless a qualified biologist has performed nesting surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (DFG 2000) before the start of project activities. 	Prior to Construction	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 8

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Additional pre-project surveys for active nests within a 0.5-mile radius of the project site shall be conducted by a qualified biologist no more than 10 days before the start of project activities and during the appropriate time of day to maximize detectability. A minimum no-disturbance buffer of 0.5 mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.				
Mitigation Measure Biological Resources-8 (Raptors/Migratory Birds) If construction begins between February 1 and August 31, the Conservancy shall conduct surveys for nesting raptors and migratory birds within 1,000 feet of the trail extension, parking lot, and other construction areas. If active nests are found, a buffer of 250 feet shall be established. A smaller buffer area may be sufficient if, in consultation with CDFW, it is determined sufficient to avoid impacts. Buffers shall be maintained until the young have fledged or the nests become inactive.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-9 (Silvery Legless Lizard) The Conservancy shall perform a survey for legless lizard presence and shall evaluate and map specific habitat areas within the riparian habitat along the unimproved hiking paths before construction. The survey shall use standard coverboard techniques for herpetofauna. If silvery legless lizard or specific habitat areas are found, the area shall be avoided.	Prior to Construction	Conservancy		
Mitigation Measure Biological Resources-10 (Wildlife Movement) The Conservancy shall implement the following measures: <ul style="list-style-type: none"> • The multiuse trail shall be located outside the riparian corridor in conformance to the buffers established in the Parkway Master Plan. • All ground-disturbing work, including construction and routine maintenance, and routine recreational operating hours shall occur during daylight hours. • At a minimum, dogs shall be required to be leashed at all times. 	Project design and construction	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 9

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Mitigation Measure Alternative 5B-Biological Resources-1 All mature sycamore trees to be removed during construction of Alternative 5B shall be replaced at a ratio of 5 western Sycamore trees planted for every tree removed, or as otherwise required by the California Department of Fish and Wildlife (CDFW). The replacement trees shall be a minimum of 10 gallons in size and shall be planted within the project site. Irrigation shall be provided for to achieve the survival rate required by CDFW.	Project design and construction	Conservancy		
3.6 Cultural Resources				
Mitigation Measure Cultural Resources-1 The Conservancy shall perform Extended Phase I subsurface testing along the alignment of the trail extension to determine the boundary of site CA-FRE-980 and identify the presence of additional archaeological deposits. The testing shall be performed before the start of any construction. The Conservancy shall ensure that all cultural resources identified shall be evaluated for eligibility for inclusion in the CRHR. All additional testing shall be performed by individuals who meet the United States Secretary of the Interior's professional standards in archaeological history. If archaeological resources are determined to be eligible for the CRHR, and if the impacts of project construction and visitor use of the alignment render these resources as ineligible for the CRHR, the alignment shall be moved a minimum of 100 feet.	Prior to Construction	Conservancy		
Mitigation Measure Cultural Resources-2 After completing the cultural resources investigations as described in Mitigation Measure Cultural Resources-1, and prior to commencing grading, earth work, or other disturbance of native soil, the Conservancy shall retain and enter into a service contract with a qualified professional for monitoring. The cultural resources monitor shall provide monitoring for all initial ground disturbing activities and earth disturbance on portions of the project site that have not been mined for gravel, including clearing, grubbing, tree removal, grading, trenching, stockpiling materials, rock crushing, etc. The monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The Conservancy shall provide an opportunity for an appropriate tribal monitor to also enter a service agreement to be on-site during these activities to	Prior to and ongoing during construction	Conservancy and Contractor		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 10

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
supplement the project monitor's services for advisory purposes and to serve the tribe's interests.				
Mitigation Measure Cultural Resources-3 If human remains or bones of unknown origin are found during any future project construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission shall notify the person considered to be the most likely descendant. The most likely descendant shall work with the Conservancy to develop a program for the reinterment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed.	Ongoing during construction	Conservancy and Contractor		

3.7 Geology and Soils

Mitigation Measure Geology and Soils-1

The Conservancy shall implement the following measures:

- Grading plans and design shall be signed by a professional engineer and submitted for approval within a reasonable time frame before the start of construction.
- Construction slopes and grading shall be designed to limit the potential for slope instability and minimize the potential for erosion during and after construction.
- In developing grading and construction procedures, the stability of both temporary and permanent cut, fill, and otherwise affected slopes shall be analyzed and properly addressed.
- Development of the project site shall comply with the then-most-recent California Building Standards Code design standards and performance thresholds for construction on steep slopes to avoid or minimize potential damage from erosion.
- Where soft or loose soils are encountered during investigations, design, or project construction, appropriate measures shall be implemented to avoid, accommodate, replace, or improve such soils. Depending

Project design and construction

Conservancy and Contractor

December 13, 2017

Agenda Item G-1

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<p>on site-specific conditions and permit requirements, these measures may include:</p> <ul style="list-style-type: none"> • locating construction facilities and operations away from areas of soft and loose soil; • over excavating soft or loose soils and replacing them with engineered backfill materials; • increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction; • installing material over construction access roads such as aggregate rock, steel plates, or timber mats; and • treating soft or loose soils in place with binding or cementing agents. <ul style="list-style-type: none"> • At the beginning of each construction day, the proposed staircase and trail along the bluff slope shall be evaluated for slope stability by qualified construction staff. • Fiber rolls shall be placed along the perimeter of the site to prevent sediment and construction-related debris and sediment from leaving the site. • Silt fences shall be placed downgradient of disturbed areas to slow runoff and sediment. • During construction, slopes affected by construction activities shall be monitored by qualified construction staff and maintained in a stable condition. • Construction activities likely to result in slope instability shall be stabilized and suspended, as necessary, during and immediately after periods of heavy precipitation when unstable slopes are more susceptible to failure. 				
<p>Mitigation Measure Alt 5B-Geology-1 The Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.</p>	Prior to Construction	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 12

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
3.9 Hazards and Hazardous Materials				
Mitigation Measure Hazards and Hazardous Materials-1 Safe access for emergency and wildland fire suppression equipment and civilian evacuation shall be provided at three entrance points and throughout the site on the paved trail system. Response agency–approved emergency responder access locks shall be maintained on all gates.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-2 Signs shall be posted that clearly indicate entrances and egresses for the multiuse trail (e.g., Perrin Avenue entrance, West Riverview Drive entrance), to minimize delay in response times to any wildfires that may occur.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-3 Any internal combustion engine that uses hydrocarbon fuels shall not be used on any grass- or brush-covered lands unless the engine is equipped with a spark arrester. All vehicles and construction equipment shall be equipped with an improved muffler.	During construction and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-4 Signage containing the following or equally effective language shall be placed at all trail access points: Wildland fires destroy habitat and can threaten lives and structures—be fire safe! The following prohibitions apply throughout the trail area: (a) No open fires, campfires, or fireworks. (b) No burning of any trash, vegetation, brush, stumps, logs, fallen timber, or any other flammable material. (c) Portable barbecues or grills may not be used. (d) No smoking.	Project design and ongoing through life of project	Conservancy		
Mitigation Measure Hazards and Hazardous Materials-5 The Conservancy shall maintain a fire-defensible firebreak or comply with the standards in the City of Fresno’s weed abatement/fire prevention ordinance by annually disking or mowing at the site. The shoulders of developed trails shall also be mowed or disked no less often than annually. Ladder fuels and fuel loads shall be evaluated periodically and management measures such as	Ongoing through life of project	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 13

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
trimming and fuel reduction activities shall be implemented in public use areas.				
Mitigation Measure Hazards and Hazardous Materials-6 Before the start of construction, a fire prevention plan for construction activities shall be prepared and implemented in coordination with the appropriate emergency service and/or fire suppression agencies of the applicable local or State jurisdictions. The plan shall describe fire prevention and response methods, including fire precaution, requirements for spark arrestors on equipment, and suppression measures that are consistent with the policies and standards of the affected jurisdictions. If heavy equipment is used for construction during the dry season, a water truck shall be maintained on the construction site. Materials and equipment required to implement the fire prevention plan shall be available on-site. Before construction begins, all construction personnel shall be trained in fire safety and informed of the contents of the fire prevention plan.	During construction	Conservancy and Contractor		
Mitigation Measure Alt. 5B-Hazards and Hazardous Materials-1 Consistent with State of California procedures and in conjunction with the Conservancy's real property acquisition process, the Conservancy will obtain: 1.0 A Phase II Environmental Site Assessment prepared by a licensed environmental professional and performed to ASTM standards (ASTM E1903-11) at the locations of the proposed paved pedestrian/bicycle path (adjacent to the existing access road) and new parking area and associated facilities (at the base of the existing access road). Testing shall include sampling of soil and groundwater for constituents of concern such as volatile organic compounds, along with vapor monitoring for ambient air emissions of constituents such as methane. Laboratory results shall be presented and summarized in a report, which shall be submitted to the County of Fresno Department of Public Health. The report shall recommend specific additional site investigation needs if appropriate, remedial activities to clean up the property, and any project design features that are necessary to assure human and environmental health and safety with the implementation of Alternative 5B; 2.0 Any further site investigations recommended as part of the Phase II Environmental Site Assessment; and 3.0 A post closure land use plan prepared in compliance with 27 CCR Sections 20950-21420. As required by	Before acquisition of land by Conservancy, during project design, during construction.	Conservancy and relevant land owners		

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<p>Section 21190, the post closure land use shall be designed and maintained to:</p> <ul style="list-style-type: none"> • protect public health and safety and prevent damage to structures, roads, utilities, and gas monitoring and control systems; • prevent public contact with waste, landfill gas, and leachate; and • prevent landfill gas explosions <p>The land use plan would be submitted to the County of Fresno Department of Public Health and the Central Valley RWQCB for review and approval. Upon approval, the plan shall be implemented before the Conservancy acquires the land for the Parkway project.</p> <p>After real property acquisition, and in conjunction with final design of Alternative 5, the Conservancy will develop the design to avoid or minimize locating the planned pedestrian/bicycle path, proposed parking lot, and amenities on the landfill material and will ensure consistency with the approved post closure land use plan.</p>				
<p>Mitigation Measure Alt. 5B–Hazards and Hazardous Materials-2</p> <p>A worker health and safety plan shall be prepared before the start of construction activities within the Alternative 5B project site. The plan shall identify, at a minimum:</p> <ul style="list-style-type: none"> • the potential types of contaminants that could be encountered during construction activity; • all appropriate equipment and procedures to be used during project activities to protect workers, public health, and the environment; • emergency response procedures; • the most direct route to the nearest hospitals; and • an on-site safety officer. <p>The plan shall describe actions to be taken should hazardous materials be encountered during construction, including protocols for handling hazardous materials and preventing their spread, and procedures for notifying local and/or State regulatory agencies in case of an emergency. The plan shall specify that if evidence of hazardous materials contamination is observed or suspected during site preparation or construction through either obvious or implied measures (i.e., stained or odorous soil or groundwater), construction activities shall immediately cease in the area of the find. A qualified hazardous materials specialist shall assess the site and collect and analyze soil and/or groundwater samples, if needed. If the samples identify contaminants, the Conservancy shall employ measures in accordance with federal and State regulations, or shall coordinate with the landowner or other responsible party to employ such</p>	During construction	Conservancy and contractor		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 15

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
measures, before construction activities can resume at the site.				
3.10 Hydrology and Water Quality				
Mitigation Measure Hydrology and Water Quality-1 Construction staging areas, including hazardous-material storage areas and temporary stockpiles, shall be located outside the 100-year floodplain and designated floodway and away from drainages. Appropriate BMPs shall be implemented to ensure that runoff from these areas does not directly flow to surface waters. Before construction begins, locations for storage of hazardous materials, temporary stockpiles, and demolition debris piles within staging areas shall be designated outside the 100-year floodplain and designated floodway and away from drainages. Major storage and stockpile areas shall be designated in the SWPPP, as required for NPDES General Permit coverage for construction. Stockpile areas shall be identified in the SWPPP and appropriate BMPs shall be installed accordingly. The mitigation shall be implemented before any ground disturbance and shall continue throughout construction, as conditions require.	During construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-2 The project design shall include structural BMPs for project operation to reduce and treat post-construction stormwater runoff from the proposed parking lot and other impervious features. The runoff shall be treated through the use of detention basins or other means before it reaches on-site surface waters, wetlands, and the River. The selected BMPs shall minimize the velocity of stormwater flows and disperse the flows to the extent practicable. The selected BMPs also shall serve to infiltrate, filter, store, evaporate, and detain runoff close to its source, and shall enhance on-site recharge of groundwater. The structural BMPs shall be designed in accordance with applicable local and State regulations. BMPs such as bioswales, surface sand, other media filters, vegetated filter strips, and detention basins may be implemented to treat, detain, and percolate stormwater runoff. The mitigation shall be implemented before project designs are finalized.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-3 The proposed equestrian trails shall be sited, graded, and constructed consistent with Policy RDP11 of the Parkway Master Plan. The equestrian trail and staging area shall drain to detention swales, with no direct discharges to on-site waters or the River. Signage shall be posted, animal waste containers shall be provided, animal waste removal	Project Design and ongoing during life of the project	Conservancy		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 16

Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension Project EIR (Alternative 5B)				
Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
procedures shall be implemented, and the site shall be inspected periodically to determine the effectiveness of the measures. Vault toilets shall be cleaned daily and waste periodically trucked off-site for treatment.				
Mitigation Measure Hydrology and Water Quality-4 For improvements that require an encroachment permit and approval from the CVFPB, drainage and hydromodification studies shall be performed to evaluate and avoid modifications that would increase flooding in upstream or downstream areas, or that would cause obstructions during flood events. A professional civil engineer shall: <ul style="list-style-type: none"> • conduct a drainage and hydromodification study evaluating the location of all existing and proposed drainage features; • perform stormwater calculations for surface drainage flows occurring before and after project construction; • evaluate the potential for drainage and floodplain modifications to increase erosion on adjacent properties; and • determine the base flood elevation before and after construction, so that no net displacement of floodwaters shall occur. As necessary, the filling of floodplain or floodway areas below the base flood elevation shall be compensated for and balanced by excavation of a hydraulically equivalent area, taken from below the base flood elevation, to achieve no net increase in the base flood elevation greater than 0.10 foot, as measured at the property lines of the parcels being developed. The Conservancy shall perform hydraulic studies in accordance with applicable floodplain management regulations, prepare an encroachment permit application, and obtain an encroachment permit before construction begins.	Project design and construction	Conservancy		
Mitigation Measure Hydrology and Water Quality-5 Mitigation Measure Hydrology and Water Quality-2 shall be implemented as described above, to prevent and reduce potential alterations to drainage patterns that can result in erosion or siltation.	Project design and construction	Conservancy		
Mitigation Measure Hydrology and Water Quality-6 Mitigation Measures Hydrology and Water Quality-2, Hydrology and Water Quality-4, and Hydrology and Water Quality-5 shall be implemented as described above.	Project design and construction	Conservancy		

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Mitigation Measure Hydrology and Water Quality-7 Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce pollutants in runoff from project construction and post-construction activities.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-8 Mitigation Measures Hydrology and Water Quality-1, Hydrology and Water Quality-2, and Hydrology and Water Quality-3 shall be implemented to reduce project-related degradation of water quality.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Hydrology and Water Quality-9 Mitigation Measure Hydrology and Water Quality-4 shall be implemented to reduce potential impacts from flood hazards.	Project design and construction	Conservancy		
Mitigation Measure Alt. 5B-Hydrology and Water Quality-1 Before any surface-disturbing construction begins, the Conservancy shall implement Mitigation Measure Alt. 5-Hazards and Hazardous Materials-1, requiring completion of a subsurface assessment, avoidance, and post closure plan (if required) for land within and adjacent to the alignment of the access road, multiuse trail, and parking lot, to determine the presence of contaminants of concern. The assessment shall be completed along the face of the slope adjacent to the trail and access road alignment. If contaminants of concern are present, the area shall be remediated as recommended in the assessment and as required by regulatory agencies. In addition, the Conservancy shall implement Mitigation Measure Alt. 5-Hazards and Hazardous Materials-2, requiring preparation of a worker health and safety plan.	Project design and construction	Conservancy and Contractor		
Mitigation Measure Alternative 5B-Land Use-1 In accordance with Mitigation Measure Alternative 5B-Land Use 1, the Conservancy shall work with the City of Fresno to obtain a variance from the requirements of the Bluff Overlay District to permit construction of the access road and staircase down the slope of the bluff. The variance must be approved by the City of Fresno prior to construction along the slope of the bluff.	Project design	Conservancy		
3.13 Noise				
Mitigation Measure Noise-1 The plans, specifications, and bid documents for each construction project shall include noise control measures	During Construction	Conservancy and Contractor		

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 18

**Mitigation Monitoring and Reporting Program for the River West Fresno, Eaton Trail Extension
Project EIR (Alternative 5B)**

Mitigation Measure	Timing/Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<p>to reduce noise impacts to the extent feasible. The measures shall include the following:</p> <ul style="list-style-type: none"> • The project shall be designed to meet the City of Fresno's standards for nonscheduled, intermittent, short-term operations of mobile construction equipment (e.g., backhoes, bulldozers, motor graders, and scrapers), and the noise standards for repetitively scheduled and relatively long-term construction operation of stationary equipment (e.g., compressors and generators). • Muffled construction equipment shall be used whenever possible. • Impact noise associated with construction shall be minimized by using noise control techniques, procedures, and acoustically treated equipment. For example, when practical, bins used to transport excavated material, including rocks and debris, could be constructed of nonmetallic liner to reduce impact noise; similarly, dump trucks could have resilient bed liners installed to minimize impact noise. • Construction hours shall be restricted to meet City of Fresno standards, which restrict hours of construction to between 7 a.m. and 9 p.m., Monday through Saturday, and prohibit activity on Sundays and federal holidays. 				

December 13, 2017

Agenda Item G-1

Resolution 17-02(Alt. 5B) Attachment B(Alt. 5B) Mitigation Monitoring and Reporting Program for Alternative 5B

Page 19